

A Survey of Latino Lawyers in Los Angeles County — Their Professional Lives and Opinions

*Cruz Reynoso**

TABLE OF CONTENTS

PROLOGUE	1564
INTRODUCTION.....	1570
I. DEMOGRAPHIC CHARACTERISTICS OF LATINO LAWYERS IN LOS ANGELES COUNTY.....	1572
A. <i>Gender</i>	1573
B. <i>Age</i>	1575
C. <i>Ethnicity/National Origin</i>	1577
D. <i>Race</i>	1579
E. <i>Observations</i>	1580
II. PROFESSIONAL CHARACTERISTICS OF LATINO LAWYERS IN LOS ANGELES COUNTY.....	1581
A. <i>Practice Setting</i>	1581
1. Comparison with National Data.....	1581
2. Comparison of California and Los Angeles Statistics..	1584
B. <i>Career Path</i>	1585
1. Important Factors for Choosing Current Positions.....	1587
2. Los Angeles Latinos and Government Positions.....	1590
C. <i>Size of Law Firms</i>	1592

* Boochever and Bird Professor of Law, U.C. Davis School of Law. The author is a former Associate Justice of the California Supreme Court and a recipient of the Presidential Medal of Freedom, this nation's highest civilian award. Special thanks are due to Emmanuelle Liggers for her assistance in conducting the survey, analyzing the responses, and organizing the first draft. Thanks, too, to the advisory committee we organized, which made suggestions regarding the scope of the survey and the nature of the questions posed. Finally, I want to express my appreciation to the assistants who labored with Emmanuelle and me as they helped organize, draft, research, and update the material. They are: Effie Turnbull, Laura Batie, and Javier Ortiz.

D. Law Firm Positions	1594
E. Areas of Practice	1599
F. Income	1601
G. Discrimination	1604
1. First Job Search	1605
2. Discrimination Experienced at Current Place of Employment	1606
H. Job Satisfaction	1608
I. Attrition	1613
J. Years in Practice	1615
III. BECOMING A LATINO LAWYER IN LOS ANGELES COUNTY	1618
A. Affirmative Action	1618
B. Motivation to Go to Law School	1625
C. Nature of Law Schools Attended by Latino Lawyers	1629
D. Passing the Bar Examination	1632
E. Attorney-Population Ratios	1633
F. Initial Employment	1635
IV. PUBLIC SERVICE	1637
A. Charitable Activities	1637
B. Pro Bono Work	1638
C. Financial Contributions	1639
CONCLUSION	1641

PROLOGUE

When I grew up in Orange County, California during the 1930s and 40s, there were no Latino or Latina lawyers in the county. Though most communities in the county included large segments of Spanish-speaking residents (mostly Mexican immigrants and their American born children) to my knowledge, no local lawyer spoke Spanish. On one occasion, my immigrant parents sought in vain to find one who could understand them. Little wonder that my father told of relying on the local court interpreter for his legal advice.

Decades later, the legal community has made strides in diversifying the profession. In California, citizens of most racial and ethnic groups, who understand the groups' language and culture, are represented among bar membership. During the late 1960s and 70s, the early days of affirmative action, law schools around the country responded to the need for diversification of their classes. During these years, the law schools actively and vocally sought minorities. Gradually, most law

schools participated in affirmative action programs more passively. The admissions committees became the administrators of affirmative action. They affirmatively sought applicants from underrepresented communities. In rejecting a challenge to that type of affirmative action, the Supreme Court of Washington stressed the necessity for diversity in its 1973 decision in *DeFunis v. Odegaard*.¹ It observed that:

[T]he legal profession plays a critical role in the policy making sector of our society, whether decisions be public or private, state or local. That lawyers, in making and influencing these decisions, should be cognizant of the views, needs and demands of all segments of society is a principle beyond dispute. The educational interest of the state in producing a racially balanced student body at the law school is compelling. Finally, the storage of minority attorneys — and, consequently, minority prosecutors, judges and public officials — constitutes an undeniably compelling state interest. If minorities are to live within the rule of law, they must enjoy equal representation within our legal system.²

Though progress has been made, achieving the needed diversity in the legal profession has been elusive. In California, the passage of Proposition 209 eliminated affirmative action programs in public law schools. Meanwhile, private schools have not increased their numbers of Latino students. Even before the passage of 209, public universities were experiencing a diminishing number of Latino admittees. My own observation is that institutions of higher learning, and, with some exception, the law schools, have slowly lost their enthusiasm for diversity. Among law schools, the reasons for the decline varied, but, in my view, included the following: (1) Latino and Latina law students disproportionately came from lower socio-economic families and often ranked in the lower quartile of the class; (2) these students suffered a higher than average failure rate from their first attempt at the bar; and (3) Latinos are disproportionately poor and, thus, require greater financial assistance. The law schools were concerned that their reputation and standing would suffer. The value of the Latino students to the legal profession was not of paramount concern.

¹ *DeFunis v. Odegaard*, 507 P.2d 1169, 1173 (Wash. 1973).

² *Id.* at 1173. The American Bar Association has long agreed with *DeFunis* and the need to diversify the legal profession. In 2002, its president wrote: "The ABA encourages a legal system that is more representative of the population at large . . ." See Robert E. Hirshon, *President's Message: Excellence and Diversity*, 88 A.B.A. J. 12 (2002).

However, those students, once they join the bar, strengthen the legal profession. They disproportionately serve the poor and middle class. Of particular importance is their service in the criminal justice system; both district attorneys and public defenders have told me of the importance of having racial and ethnic representation among these lawyers when so many of the accused are members of minority groups. And, of course, such representation is important in all areas of the law — from family to corporate law.

I have observed the slow and painful progress. In 1958, when I graduated from the University of California at Berkeley School of Law, known as Boalt Hall, I was the only Latino graduate. One Asian American and I represented the entire ethnic and racial diversity of my class. When I started to practice law in Imperial County, California a year later, I was the first Latino to join the county bar, although Latinos made up about one-third of the population.³⁴ At the time, few Latinos, and even fewer Chicanos,⁵ practiced in California. No more than a dozen Latinos practiced in Los Angeles County,⁶ and I doubt that more than two or three dozen practiced throughout the entire state.

In late 1968, I joined California Rural Legal Assistance (“CRLA”), a statewide legal services program. By early 1969, I became its director. Approximately 65% of our clients were Latino, many of whom spoke

³ Telephone Interview with Michael Lizarraga, Accountant, Imperial County Office of Community and Economic Development (July 11, 2003).

⁴ By contrast, Latinos represent 72.2 % of the Imperial County population today. See <http://quickfacts.census.gov/qfd/states/06/06025.html> (last visited Apr. 25, 2005).

⁵ “Latino” is a term which describes all persons of Latin American and sometimes Spanish or Portuguese origin. “Chicano,” on the other hand, refers to Americans of Mexican lineage, often a member of first or second generation of immigrants, though it can include persons whose ancestors settled in the Southwest as early as 1540. Mexicans settled in the Southwest during the more than three hundred years of Spanish and Mexican rule until the land was lost to the United States in a war of conquest which ended in 1848 with the signing of the Treaty of Guadalupe Hidalgo.

Are Chicanos a legally-definable class? Among the characteristics common to many Chicanos are: Spanish language as the mother tongue; Mexican ancestry; Spanish surname; a distinct culture and history; a genetic heritage that results in certain recurring physical traits; economic, educational, and political exclusion from the mainstream of American life, perception by Anglos, including many government agencies, as a minority; and perception by Chicanos as a non-Anglo group.

See Richard Delgado & Vicky Palacios, *Mexican Americans as a Legally Cognizable Class Under Rule 23 and the Equal Protection Clause*, 50 NOTRE DAME LAWYER 393, 405 (1975).

⁶ Telephone Interview with Arthur Alarcón, Senior United States Circuit Judge, Ninth Circuit (July 26, 2001); Telephone Interview with Herman Sillas, Partner, Ochoa & Sillas (July 27, 2001).

only Spanish. We needed lawyers who understood the language and culture of our immigrant Mexican farm-worker clients and their families. The program consisted of about thirty-seven lawyers of whom only a couple were Latino or spoke Spanish.

The program needs called for aggressive recruitment of Latino Spanish-speaking lawyers. In 1968, the program concentrated on California's law schools that were accredited by the American Bar Association ("ABA"). I would brag, with tongue in cheek, that we had a very successful recruitment effort. We recruited, I would say, 50% of all Latino graduates at those schools. In fact, we were able to identify only two Latino students, both Chicano, who were graduating. We hired one of them.

In light of that starved number of Latino law school graduates, I turned to the state bar. I called the state bar to see whether it had a list of Mexican American or other Latino lawyers. It had no such list. I sent a paralegal to personally examine the list, which consisted of over sixteen thousand names. If I recall correctly, he reported that there were approximately 245 Spanish surnames.

Yet, the effort to recruit from California law schools and the state bar proved fruitless. Many with Spanish surnames were not Latino. Some were Filipino, others had Spanish surnames by marriage, and others, although "Latino,"⁷ did not associate themselves with the Latino community. Thus, we expanded our recruitment nationally. Affirmative action was slowly becoming successful, and the number of Latinos graduating from law schools across the nation increased dramatically over the next few years. As such, we attempted to recruit from the major ABA-accredited law schools and could find few Latino graduating students. Earlier, in 1968, we had identified only two. At that time, recent graduates also sought positions with legal services, which ultimately helped my office. By the time I left CRLA in 1972, about one-third of the lawyers were Latino.

Important changes have taken place since 1959, when I started practicing law, and since 1968, when I first joined CRLA. The drive to add ethnic diversity to the bar has had dramatic results — from a dozen Latino lawyers in Los Angeles County in 1959 to, we estimate, well over 2000 today. Yet, the results are dramatically inadequate. Whereas Latinos make up 44.6% of Los Angeles County,⁸ rough projections

⁷ See *infra* note 10.

⁸ County of Los Angeles Statistical Data, available at http://lacounty.info/statistical_information.htm (last visited Jan. 27, 2005).

suggest that only about 5% of the lawyers in the county are Latino.⁹

The American Bar Association reports that data and the history of minority lawyers are hard to come by.¹⁰ This Article begins to collect this missing data. It paints a contemporary picture of Latino lawyers in Los Angeles County, one of the centers of Latino life in our country. Prior to this study, no compiled list of Latino lawyers in Los Angeles County existed.¹¹

This Article summarizes the findings of a two-year-long empirical research project.¹² It is but a snapshot of the changing demographics of

⁹ See *infra* notes 17-19 and accompanying text.

¹⁰ ABA Commission on Opportunities for Minorities in the Profession, *MILES TO GO: PROGRESS OF MINORITIES IN THE LEGAL PROFESSION* 4 (1998) [hereinafter *MILES TO GO*]. The book is available for purchase at <http://www.abanet.org/minorities/publications/milestogo.html>. Since publication, the ABA Commission on Opportunities for Minorities in the Profession has changed its name to the ABA Commission on Racial and Ethnic Diversity in the Profession.

¹¹ Systematically collected empirical data on the number of Latino lawyers in Los Angeles County, or their practice areas, was not publicly available prior to this study.

¹² Our data collection was completed by 2000. Data was collected through the following methods:

In Phase I of our study, lawyers in Los Angeles County with Spanish surnames were identified by comparing a list of Spanish surnames compiled by the U.S. Census Bureau to attorneys in Los Angeles County listed in the Parker Directory. See LYMAN D. PLATT, *HISPANIC SURNAMES AND FAMILY HISTORY* 217-53 (1996); 2000 PARKER DIRECTORY OF CALIFORNIA ATTORNEYS (81st ed. 2000). Mailing lists from various Latino legal organizations, such as the Mexican American Bar Association ("MABA") of Los Angeles County and the Hispanic National Bar Association ("HNBA"), were consulted as well. This process generated a list of approximately 2000 names.

In Phase II of the study, an explanation of the purpose of the study and a request for a resume was included in the letter sent to all attorneys on the list. Others were contacted by telephone. Some respondents indicated that they were not Latino, such as Filipino American lawyers or those who had taken a Spanish surname upon marriage. Some simply explained that they did not identify themselves as Latino although they were Latino under the definition in this Article.

In Phase III of the study, on the assumption that many who had not responded were indeed Latino, another process was undertaken to determine the ethnic identity of these individuals. The ethnicity of members of Latino law-related organizations was verified by organization officers. The websites for Martindale-Hubbell and for the State Bar of California were helpful. See <http://lawyers.martindale.com/executable/lawyer.php3>; <http://www.calsb.org/mm/sbmbmrshp.htm>. Websites of various law firms were also helpful. Latino lawyers were also asked to identify the ethnicity of other members of the Latino bar. At the end of this step, the list of Latino lawyers included an additional 430 names, bringing the total number of identified Latino lawyers in Los Angeles County to 847.

In Phase IV of the study, data was gathered on all 847 lawyers, using resumes or biographical information provided by the State Bar of California and the Martindale-Hubbell websites. Such data included gender, age, college, law school, years admitted to the bar, type of practice, position, and firm size (where applicable). With the data collected, comparisons were made with statistical data on all U.S. and California lawyers. When

the legal profession. The aim is to develop as full an understanding as possible of who the Latino and Latina lawyers are, including their background, education, and expectations. While the emphasis is on the Latino lawyers' professional lives, other related information is included, such as attitudes toward affirmative action and the extent of charitable contributions. The results of this study, completed in 2000, offer data that begin to assist in providing answers to questions long asked. Have Latino lawyers materially assisted the bar in representing all segments of the population? Have they assisted the courts in the administration of justice? And, have they provided the community with educated professionals trained in leadership?

With these questions in mind, our first task was to identify Latino members of the Los Angeles bar. Second, we sent letters to approximately 2000 attorneys who were identified as possibly being Latino.¹³ Third, after eliminating those who indicated they were not Latino, we verified the ethnicity of the remainder and sent them questionnaires to develop a more robust picture of the Latino lawyer community of Los Angeles.

available, statistics from the American Bar Association were used for purposes of comparison. When such figures were not available, more local data was used.

Finally, in Phase V of the study, a 63-question survey was sent to 943 practicing attorneys identified as Latino. The increase in the number of lawyers was due to the identification of an additional 96 members of the Latino bar between Phase I of the study (comparison of biographical data) and Phase II (survey). Of those 943 Latino lawyers, 289 responded, producing a response rate of 30.7%. The survey responses provided a better understanding of the persons and experiences behind the numbers. A code number was assigned to each lawyer and anonymity was guaranteed to all survey respondents, eliciting answers as complete and as candid as possible.

¹³ A total of 417 lawyers replied, a 20.9% response rate.

INTRODUCTION

Statistics reflecting Latino and Latina¹⁴ participation in the legal profession have only begun to appear within the last ten years.¹⁵ As recently as October 2002, the National Association for Law Placement ("NALP") reported that 3.71% of partners in the nation's major law firms

¹⁴ What is in a name? Who is a Latino or Latina? Various designations have been in vogue historically. In the Southwest, for example, a person of Mexican ancestry can be a recent immigrant or a person whose family settled in the Southwest in 1540. See ILAN STAVANS, *THE HISPANIC CONDITION: REFLECTION ON CULTURE AND IDENTITY IN AMERICA*, 22 (1995). These people have been referred to as "Latin Americans," "Latins," "Mexicanos," "Spanish," "Spanish Americans," "Hispanos," "Mexicans," "Mexican Americans," "Chicanos" or "Chicanas," Spanish-surnamed Americans, and, more recently, "Hispanics." These names, of course, are only the polite descriptions. While descendants of European countries such as Ireland or Italy commonly refer to themselves as "Irish" or "Italian," there has been reluctance on the part of some persons of Mexican descent to describe themselves as "Mexican" when speaking in the English language, particularly when speaking to non-Latinos. See Leslie G. Espinoza, *Multi-Identity: Community and Culture*, 2 VA. J. SOC. POL'Y & L. 23, 24 (1994). When speaking in Spanish, there seems to be little hesitation to refer to one another as "Mexicano." There are, of course, many individual exceptions. The reluctance may reflect the historic reality that the Southwest became a part of the United States by conquest. After the Mexican-American War, the term "Mexican" referred to the conquered — a negative connotation. This Article incorporates more than those of Mexican origin. As used in this Article, the term "Latino" includes Mexican Americans/Chicanos, South Americans, Cuban Americans, Puerto Ricans, Central Americans, persons with multiple ethnic backgrounds, and persons of Spanish or Portuguese ancestry. Indeed, the Hispanic Congressional Caucus has included Portuguese-Americans Tony Coehlo and, more recently, Dennis Cardoza. See The Congressional Hispanic Caucus Institute Website, available at <http://www.chci.org/about/board.html> (last visited Apr. 26, 2005).

The issue of defining "Latino" continues to be the subject of much debate. See Laura Gomez, *Race, Colonialism, and Criminal Law: Mexicans and the American Criminal Justice System in Territorial New Mexico*, 34 LAW & SOC'Y REV. 1129, 1202 n.1 (2000) (stating that "[t]here is much controversy and a large body of literature about what label best describes the Spanish-speaking residents of Northern New Mexico."); see also JOHN R. LOGAN, *HOW RACE COUNTS FOR HISPANIC AMERICANS* 2-3 (2003) (explaining that almost half of those identifying as "Hispanic" in 2000 Census did not identify themselves with any standard racial category, but instead wrote in their own term when asked to specify their race). As a result, the Census identifies Hispanics as "some other race". *Id.*

¹⁵ In 1999, I wrote a chapter for the book *Hispanics in the United States: An Agenda for the Twenty-First Century*. See Cruz Reynoso, *Hispanics and the Criminal Justice System*, in *HISPANICS IN THE UNITED STATES: AN AGENDA FOR THE TWENTY-FIRST CENTURY* (Pastora San Juan Cafferty & David W. Engstrom eds., 2000). In writing the chapter, I looked for information on Latino and Latina lawyers, but was quite disappointed by the dearth of data in this area. See also Kevin R. Johnson, *Some Thoughts on the Future of Latino Legal Scholarship*, 2 HARV. LATINO L. REV. 101, 102-09 (1997) (noting significant void in modern legal scholarship, as Latinos "often are not discussed, are briefly alluded to, or find themselves marginalized" and explaining that "relatively few academic works focus on the status of Latinos in the United States"); Juan Perea, *Latina/o Identity and Pan-Ethnicity: Toward LatCrit Subjectivities: Five Axioms in Search of Equality*, 2 HARV. LATINO L. REV. 231, 231 (1997) (questioning "invisibility" of Latino community).

were “of color.”¹⁶ However, the NALP report did not further break down that category.

According to the State Bar of California, as of July 2003, 145,493 attorneys in California and 45,256 attorneys in Los Angeles County practiced law.¹⁷ In other words, approximately one-third of the state’s practicing attorneys reside in Los Angeles County. A 2001 study commissioned by the State Bar found that 3.7% of all California attorneys identified themselves as Latino.¹⁸ An earlier 1991 California Bar study found that 53% of California Latino lawyers practiced in the Los Angeles area.¹⁹

The American Bar Association reported the results of its own study (“ABA Commission Report”) evaluating the opportunities for minorities in the legal field in 1998.²⁰ The ABA reported that 2.49% of all attorneys in the country are Latino. The ABA Commission Report also noted, however, a general lack of existing, specific data on minority attorneys.²¹ Beyond this general data, statistics are rare. Even when information is available on Latino lawyers, it lacks specific data on attorneys’ backgrounds, self-perceptions, selected fields of practice, and professional success.

This study begins to shed light on Latino lawyer involvement in the legal profession even though it is limited to members of the Latino bar in Los Angeles County.²² Our Article reports our findings in four Parts.

¹⁶ National Association for Law Placement, *Women and Attorneys of Color at Law Firms — 2002 Summary Chart*, at <http://www.nalp.org/nalpresearch/mw02sum.htm> (last visited Sept. 30, 2003) [hereinafter NALP Summary].

¹⁷ State Bar of California, *Member Demographics*, at http://members.calbar.ca.gov/search/demographics_counties.aspx (last visited July 10, 2003) [hereinafter *Member Demographics*].

¹⁸ RICHARD HERTZ CONSULTING, CALIFORNIA BAR JOURNAL SURVEY 2 (2001) [hereinafter CALIFORNIA SURVEY].

¹⁹ SUSAN H. RUSSELL & CYNTHIA L. WILLIAMSON, DEMOGRAPHIC SURVEY OF THE STATE BAR OF CALIFORNIA 35, Table II-14 (1991). The data from the 1991 SRI Survey, the 2001 California Bar Survey, and the State Bar’s most recent count of practicing attorneys allow for a rough projection of the current number of Latino lawyers who practice in Los Angeles County. Using the 2001 California Survey estimate of 3.7% Latino lawyers statewide as a starting place, the number of Latino lawyers in the state in 2003 would be 5383. Using the figure of 53% — the percent of California Latino lawyers who practiced in the Los Angeles area in 1991 — to project the number of Latino lawyers practicing in Los Angeles in 2003, that number would be 2853. Of course, such projections are by nature inexact. The uncertainty of these estimates further highlights the need for more accurate data collection on Latino lawyers.

²⁰ MILES TO GO, *supra* note 10, at 4.

²¹ *Id.* at 44.

²² Los Angeles County, in particular, provides an interesting starting point for conducting research on Latino lawyers because it has been seen historically by many as the

Part I provides an overview of the demographic makeup of Latino lawyers based on gender, age, and national origin. Part II analyzes the career paths, areas of practice, and income levels of Latino lawyers. This part also assesses job satisfaction, attrition, and discrimination practices. Part III investigates Latinos' motivation to go to law school, effects of affirmative action, and bar passage rates of Latino students. Finally, Part IV examines the community service activities of the lawyers surveyed. While brief, this part illustrates yet another dimension of the L.A. Latino legal community.²³ Throughout the remainder of this Article, the larger sampling of 847 lawyers whose biographical data was collected more broadly will be referred to as "Latino lawyers" or "lawyers in Los Angeles County." The smaller sample from whom we received questionnaires will be referred to as "survey respondents."

I. DEMOGRAPHIC CHARACTERISTICS OF LATINO LAWYERS IN LOS ANGELES COUNTY

In 2002, the U.S. Census Bureau reported that 13.4% of the total U.S. population was Latino.²⁴ The Latino population was 11,936,707 in

heart of the Mexican-American population. See RICHARD GRISWOLD DEL CASTILLO, *LA FAMILIA: CHICANO FAMILIES IN THE URBAN SOUTHWEST: 1848 TO THE PRESENT* 10 (1984) ("Mexican-Americans have seen Los Angeles as one of the most 'important social and political centers throughout the nineteenth and well into the twentieth century.'"). Further, Latinos have a long history of being the largest ethnic group in Los Angeles. Others note that:

Indeed, it is possible to argue that Los Angeles provided Mexican immigrants more latitude than any other community in the Southwest in shaping a Mexican American identity. Far enough away from the border to encourage experimentation with new cultural influences, newcomers there were still close enough to the population centers of Mexico to receive constant input from newly arrived immigrants. A city where Mexicans were the most numerous of many ethnic groups, diversity marked even the barrios that most immigrants called home. Today, as in the past, Mexican American culture in Los Angeles is the product of international influences and an adaptive process among the individuals, families and communities that constitute the ever-changing Chicano society in the City of Angels.

GEORGE J. SÁNCHEZ, *BECOMING MEXICAN AMERICAN: ETHNICITY, CULTURE AND IDENTITY IN CHICANO LOS ANGELES 1900-1945*, 274 (1993).

²³ The collection of data on race and ethnicity is necessary to assist the legal community and society at large in understanding — and hopefully addressing and remedying — the problem of underrepresentation of people of color in the bar.

²⁴ U.S. Census Bureau, *Annual Resident Population Estimates of the United States by Sex, Race and Hispanic or Latino Origin: April 1, 2000 to July 1, 2002* (July 1, 2002), available at <http://www.census.gov/popest/estimates.php> [hereinafter *U.S. Population Estimates*]. As of July 1, 2002, the Census Bureau's annual estimates show that Latinos are the largest minority in the United States with a population of 38.8 million, having overtaken African-

California that year, or 34% of the state population.²⁵ Over one-third, or 4,542,455 people, of the state's Latino population resides in Los Angeles County, comprising 46.3% of the total Los Angeles population.²⁶ Of those Los Angeles Latinos, we estimate that approximately 2853 were lawyers in 2003.²⁷ But who, exactly, are the men and women of the Latino bar in Los Angeles County? This part attempts to answer that question by examining four key demographic factors: gender, age, ethnicity, and race.

A. Gender

When I joined the bar in 1959, few Latinas practiced law.²⁸ Of the fewer than two dozen Hispanic lawyers in Los Angeles County that I knew at that time, only one was Latina. Today, Latinas, like women of other ethnic and racial groups, are better represented in the profession. They have provided invaluable leadership. Thus, six of the last ten presidents of the Los Angeles County Mexican American Bar Association ("MABA") have been women, and, since 1973, with the exception of three years, Latinas have led the Mexican American Legal Defense and Educational Fund ("MALDEF").²⁹ Vilma Martinez was the first female to be appointed President and General Counsel of MALDEF. In 1985, Antonia Hernandez was selected. Recently, Ann Marie Tallman, a granddaughter of Mexican migrant workers, was named to succeed Ms. Hernandez. Nationally, Latinas are found in all levels of state and federal courts and attorney general positions.

Americans, who numbered 36.7 million. *Id.*

²⁵ U.S. Census Bureau, *State Population Estimates by Race Alone or in Combination and Hispanic or Latino Origin: July 1, 2002* (July 1, 2002), available at <http://www.census.gov/popest/estimates.php> [hereinafter *State Population Estimates*].

²⁶ U.S. Census Bureau, *California County Population Estimates by Race Alone and Hispanic or Latino Origin: July 1, 2002* (July 1, 2002), available at <http://www.census.gov/popest/estimates.php> [hereinafter *County Resident Population Estimates of the U.S.*]. As of July 1, 2002, the Census Bureau reported that the Latino population of Los Angeles County was 4,542,455, while the total county population was 9,806,577. *Id.*

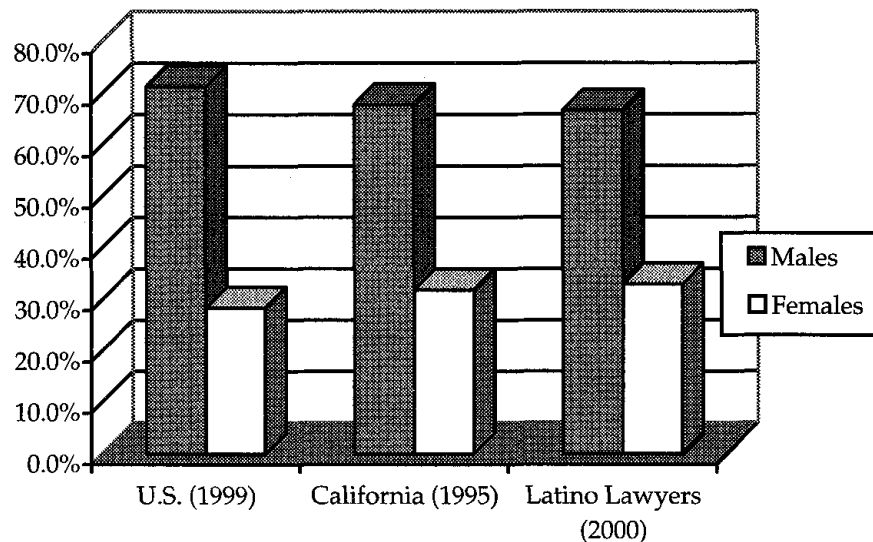
²⁷ See *supra* note 19.

²⁸ Similar to the lack of data generally on Latinos in the law, there is very little information on Latinas in the legal profession. See Berta Esperanza Hernández-Truyol, *Las Olvidadas — Gendered in Justice/Gendered Injustice: Latinas, Fronteras and the Law*, 1 J. GENDER RACE & JUST. 354, 355-56 (1998) [hereinafter *Las Olvidadas*] (discussing lack of information on Latinas in field of law).

²⁹ The first eighteen presidents of MABA were men.

Until the early 1960s, women, without regard to race, made up about 3% of the legal profession.³⁰ By 2001, they represented 30% of the bar and nearly 50% of all law students.³¹ In California that same year, 68% of all California bar members were male and 32% were female.³² The Latino bar in Los Angeles County is not markedly different.³³ Our sample indicates that Latino lawyers of Los Angeles represented only 67% of the Los Angeles Latino bar in 2000, while Los Angeles Latinas made up 33% (Figure 1).

Fig. 1 — Lawyers by Gender³⁴



Affirmative action likely explains why the percentage of Latinas is slightly higher than their female U.S. counterparts. Affirmative action programs, which were being implemented for the first time in the late 1960s and early 1970s, began to increase the representation of both

³⁰ Deborah L. Rhode, *The Unfinished Agenda: Women and the Legal Profession*, in ABA COMMISSION ON WOMEN IN THE PROFESSION 13 (2001).

³¹ *Id.*

³² CALIFORNIA SURVEY, *supra* note 18, at 2.

³³ "Latino lawyers" or "Latino lawyers in Los Angeles County" will be used to refer to all 847 lawyers for whom biographical data was available. "Survey respondents" will be used to refer to the 289 Latino lawyers who answered our 63-question survey.

³⁴ For the U.S. figures, see NALP Summary, *supra* note 16. For the California figures, see CLARA N. CARSON, AM. BAR FOUND., THE LAWYER STATISTICAL REPORT: THE U.S. LEGAL PROFESSION IN 1995, 45 (1999). The Latino Lawyers (2000) data in Figure 1 is the data we collected in our investigation. Latino Lawyers (2000) will be the term used to refer to the subjects in our figures and tables throughout this publication.

women and people of color in the profession.³⁵ For Anglo women, the dominance prior to the 1970s of Anglo males admitted to the bar has slowed the process of attaining proportional gender representation among Anglos. This dynamic is reflected in the national and the California ratios.³⁶ In contrast, there has been greater gender integration among Latino lawyers because affirmative action lifted obstacles to both Latinas and Latinos during the 1970s. Both began entering the legal field in more closely proportionate numbers, which is reflected in the lower male to female Latino lawyer ratio.³⁷ This may also explain the very small difference in the median age of Latino and Latina lawyers in Los Angeles County, as described in the next section.

B. Age

The age of Latino lawyers in Los Angeles is affected by their late arrival into the legal profession in sizeable numbers, and by the later diminishing numbers when the State of California prohibited the use of affirmative action. Comparisons of state and national statistics with our own survey results confirm that observation. The comparisons are by age groups.

We begin by examining national figures. Nationally, Latinos are younger than any other ethnic group. As of November 1, 2000, the national median age for non-Latino whites was 38.6 years; it was 30.6 for African-Americans, 28.5 for American Indians, Eskimos, and Aleuts, and 32.4 for Asians and Pacific Islanders.³⁸ However, the median age of Latinos was 26.6 years. But what about Latino lawyers in Los Angeles County? Latino lawyers in Los Angeles County more often tend to be between the ages of thirty and fifty-four. On the other hand, all lawyers nationally are more evenly spread across all age groups. The median age of Latino lawyers in Los Angeles County is forty-two years of age, while the median age for all lawyers nationally is forty-three years-old. Thus, Latino lawyers in Los Angeles County are only slightly younger than all

³⁵ John P. Heinz et al., *Lawyers and Their Discontents: Findings from a Survey of the Chicago Bar*, 74 IND. L.J. 735, 754 (1999).

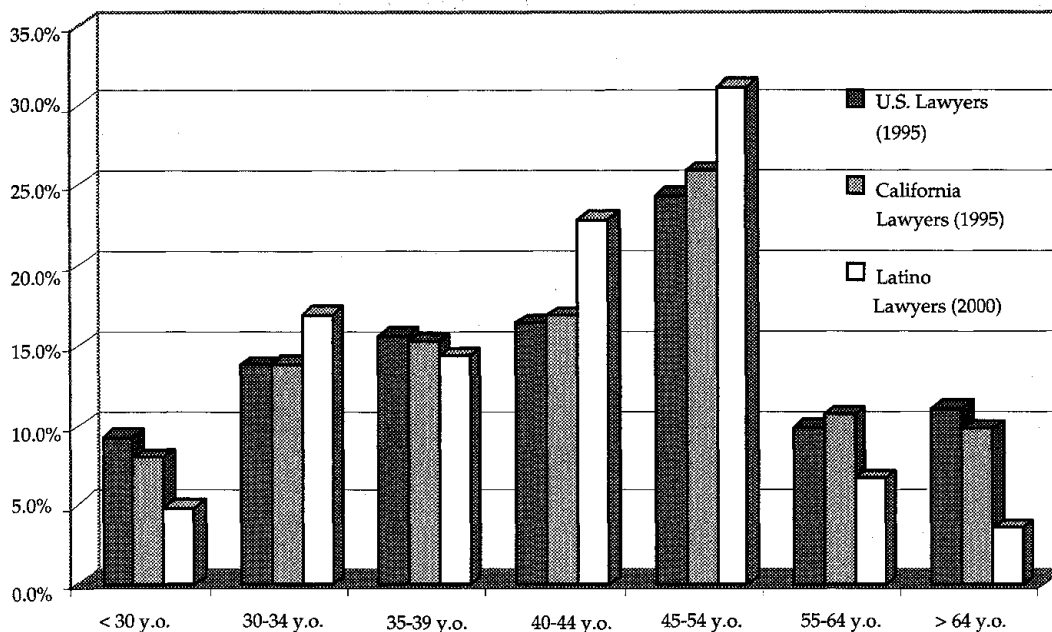
³⁶ In California parlance, "Anglo" refers to any person of European ancestry, be they of German, Irish, Italian, or Jewish parentage. See REGINALD HORSMAN, RACE AND MANIFEST DESTINY: THE ORIGINS OF AMERICAN RACIAL ANGLO-SAXONISM (1981).

³⁷ See *Las Olvidadas*, *supra* note 28, at 386-94 (discussing peculiar difficulties faced by Latinas in legal profession); *id.* at 376-79 (discussing Latina gender roles, "cultural Latino," issues of machismo, oppression and subordination of women, and cultural concepts of women being inferior to men).

³⁸ U.S. Population Estimates, *supra* note 24.

lawyers nationally.

Fig. 2 — Age Distribution of Lawyers³⁹



During the time when affirmative action was vigorously pursued, the age differential between Latino lawyers from Los Angeles and all lawyers nationally was wide. The number of Latino lawyers in Los Angeles increased in the 1970s, represented by the increased percentages of the age group between forty-five and fifty-four. However, as the lawyers aged, the differential lessened.

It is not surprising that among Latino lawyers from Los Angeles, only 5% were in the "29 or less" category, compared to 8% for all California lawyers. These figures reflect the lesser number of Latinos joining the profession since affirmative action ended and the trend toward and increase in the average age of the Latino lawyer from Los Angeles. As the percentage of young lawyers decreased, the average age increased. Disaggregating the data by age and gender shows more interesting differences. The data reveals that female lawyers are younger than their male counterparts in the United States, in California, and among Latino lawyers. Among all attorneys in the United States, the median age for

³⁹ For the U.S. statistics, see CARSON, *supra* note 34, at 23. For the California statistics, see *id.* at 45.

women is thirty-seven years, compared to forty-five years for men. In California, the median age for female lawyers is thirty-nine, while that for men remains at forty-five. Among Latino lawyers in Los Angeles County, men are slightly younger, with a median age of forty-three. Latinas, on the other hand, are slightly older, with a median age of forty. While Latina lawyers are slightly older than all female lawyers, they remain younger than Latinos. The difference in the median ages of Latino and Latina lawyers is very small (only three years), reflecting the near simultaneous entry into the legal profession by Latino males and females.

The reason for the age differential between male and female lawyers is well documented in social science studies. Women in the legal profession are generally younger because they only entered the bar in large numbers beginning in the 1970s.⁴⁰ They have increased their presence gradually since then, but remain several steps behind their male counterparts. This is likely to change, of course. As previously noted, women represented 30% of the bar nationally and nearly 50% of all law students in 2001.⁴¹

C. Ethnicity/National Origin

Although the term "Latino" is commonly used to refer to an ethnic group, it would be an error to think that Latinos comprise a monolithic community.⁴² Latinos are a very diverse group and identify themselves by various ethnic backgrounds, usually based on their own regional roots or those of their ascendants.⁴³ Some Latinos are Cubans or Cuban Americans, others are Mexican Americans (or Chicanos) or Puerto Ricans. Some have other ethnic backgrounds or multiple ones.

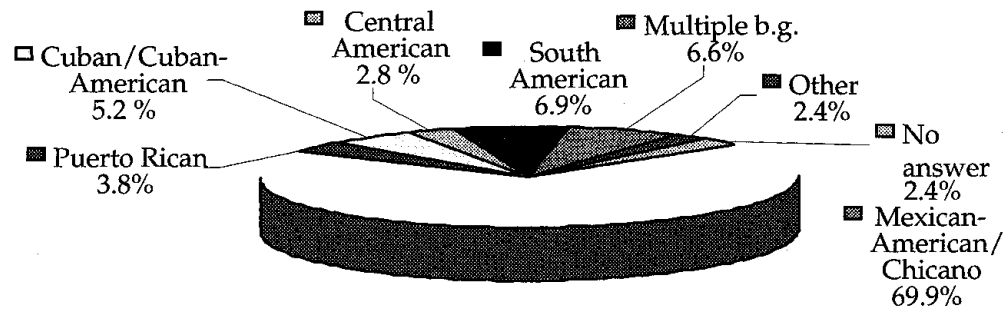
⁴⁰ Heinz et al., *supra* note 35, at 754.

⁴¹ Rhode, *supra* note 30, at 13.

⁴² See Berta Esperanza Hernández-Truyol, *Building Bridges — Latinas and Latinos at the Crossroads: Realities, Rhetoric and Replacement*, 25 COLUM. HUM. RTS. L. REV. 369, 383-96 (1994) (discussing complex nature of Latino ethnicity).

⁴³ See RICHARD DELGADO & JEAN STEFANCIC, A CRITICAL READER: THE LATINO/A CONDITION 60-71 (1998) ("'Latino' is short for 'latinoamericano' . . . [T]he term refers to the people who come from the territory in the Americas colonized by Latin nations, such as Portugal, Spain, and France, whose languages are derived from Latin. People from Brazil, Mexico, and even Haiti are thus all 'latinoamericanos.'"); see also Angel R. Oquendo, *Re-Imaging the Latino/a Race*, 12 HARV. BLACKLETTER L.J. 93 (1995).

Fig. 3 — Survey Respondents by Ethnicity



A substantial majority of all survey respondents, approximately 70%, identified themselves as “Mexican American/Chicano” (Figure 3). Other ethnic categories account for 30% of all survey respondents as follows: a little fewer than 7% said they were South Americans; slightly more than 5% identified themselves as Cubans/Cuban Americans; about 4% described themselves as Puerto Ricans; and, approximately 3% said they were Central Americans. A total of 6.6% of all respondents reported having more than one ethnic background.⁴⁴ The remaining 4.8% of all respondents either identified themselves as belonging to other ethnic

⁴⁴ Each ethnic group represents survey respondents who reported belonging to this particular ethnic group only. Survey respondents who indicated multiple ethnic backgrounds were placed in the category labeled “multiple b.g.” to avoid double counting. This category includes:

- 2 — Mexican American/Chicano & South American
- 2 — Mexican American/Chicano & Native American
- 2 — Mexican American/Chicano & Spanish
- 1 — Mexican American/Chicano & Asian American
- 1 — Mexican American/Chicano & Filipino
- 1 — Mexican American/Chicano & Puerto Rican
- 1 — Mexican American/Chicano & German
- 1 — Mexican American/Chicano & Cuban/Cuban-American & Korean
- 2 — Puerto Rican & Spaniard
- 1 — Puerto Rican & Cuban/Cuban-American
- 1 — Puerto Rican & Dominican
- 1 — Puerto Rican & Filipino
- 1 — Cuban/Cuban-American & Spaniard
- 1 — Central American & South American
- 1 — Central American & Austrian

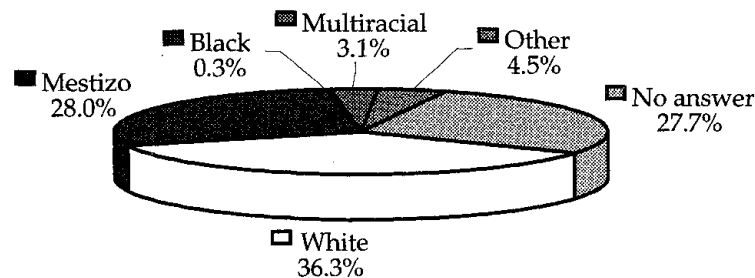
groups or did not answer the question at all.⁴⁵

D. Race

Just as Latinos belong to various ethnic subgroups, Latinos also belong to more than one racial group.⁴⁶ As a result, some Latinos identify as white, while others identify as black. A few consider themselves Mestizo.⁴⁷ And, still others identify as having mixed/multiple racial backgrounds.⁴⁸

Our data is based on self identification. Over one-third of all survey respondents (36.3%) identified as white, while over one quarter (28.0%) identified as Mestizo. Of the remaining respondents, 3.1% said that they were of multiple racial backgrounds,⁴⁹ and 4.5% said that they belonged to other racial groups.⁵⁰

Fig. 4 — Survey Respondents by Race



⁴⁵ The "other" category includes: 9 Spaniards, 2 Native Americans, 2 Filipinos, 1 Asian American, 1 Austrian, 1 Dominican, 1 European, 1 German, 1 Korean, 1 Tex-Mex/Spanish, 1 Spaniard/American, 1 Spaniard/Basque, and 1 Spaniard/East European.

⁴⁶ See *Las Olvidadas*, *supra* note 28, at 356-62 (discussing racial and cultural diversity of Latinos in United States).

⁴⁷ "Mestizo" is defined as a person of mixed Spanish and Native American heritage. See Leslie G. Espinoza, *Multi-Identity: Community and Culture*, 2 VA. J. SOC. POL'Y & L. 23, 29 (1994).

⁴⁸ It is of interest that few of the respondents identified as "indigenous" or Indian because Indian blood predominates in Mexico. However, those who are predominately of European blood predominate in the professions in Latin America, as they apparently do in Los Angeles County.

⁴⁹ Each racial group represents survey respondents who reported belonging to this particular racial group only. Survey respondents who indicated multiple racial backgrounds were classified as "multiracial," a category which includes: 6 White & Mestizo, 1 White & Criollo, 1 Spanish/Indian/White/Mestizo, and 1 "Multiracial."

⁵⁰ The other category includes: 6 Brown, 2 Criollo, 2 Other, 1 Indigenous, 1 Indian, 1 Human, and 1 None.

While race is seen as a salient factor in our society, over one quarter of all survey respondents chose not to answer this question. Some respondents specifically indicated that they did not wish to classify themselves along racial lines. These responses and their nonresponses are not surprising. To most Latinos, the strict racial classifications make little sense when dealing with an ethnic group. A Mexican American or a Chicano, for example, is a member of an ethnic group whether that member is white, Mestizo, Indian, or black. Those who are of mixed race, more often the Mestizo of European and Indian blood, are proud to be Mestizo and are respected by the Mexican society as a distinct race.

E. Observations

The Latino legal community has added strength to the American ideal that seeks "liberty and justice for all."⁵¹ Latino and Latina lawyers have represented the Latino community and individuals in civil rights and immigration cases, as well as in issues of poverty. They have provided political and social leadership of Latinos and to all Californians. What is striking is how few Latinos grace the rolls of the bar association. This state will be well served by increasing the percentage of Latino and Latina lawyers. The contribution of Latinas is particularly striking. One of my former students is the Chief Justice of her state's high court, and another is attorney general of her state. In California, Latinas are well represented (taking into account their low numbers in bar membership) in small and large firms, public interest law firms, and government agencies.

If the numbers of Latino and Latina lawyers were increasing as a percentage of the entire bar, the Latino lawyers should, on average, be much younger than non-Latino attorneys. What remains of affirmative action has resulted in a minimal age difference between Latinos, relative newcomers to the profession, and other members of the bar. Not surprising, most Los Angeles Latino lawyers identified themselves as being of Mexican ancestry, either Mexican American or Chicano. However, that so few are of indigenous background poses a real challenge. An increasing number of immigrants from Mexico, documented and undocumented, come from the state of Oaxaca and similar indigenous regions, of whom many speak limited or no Spanish. After all, the diversity in the profession is meant to make the bar competent to represent all groups and individuals.

⁵¹ PLEDGE OF ALLEGIANCE (U.S. 1892), available at http://www.homeofheroes.com/hallofheroes/1st_floor/flag/1bfc-pledge.html (last visited Apr. 25, 2005).

II. PROFESSIONAL CHARACTERISTICS OF LATINO LAWYERS IN LOS ANGELES COUNTY

This part summarizes the professional life of the Latino lawyer in Los Angeles. Compared to national and California attorneys, what is the professional association of Latino lawyers in Los Angeles, and how did they get there? What influenced their choices and what obstacles did they overcome? Have they done well and are they satisfied with the opportunities the profession has provided? Information on lawyers' careers, when available, usually only provides very general data on all lawyers, regardless of their ethnicity or race. Moreover, when information on minority members of the bar is available, it is typically not disaggregated and usually groups all "minority lawyers" or "lawyers of color" together.⁵² The following discussion attempts to fill some of those gaps by taking a close look at various aspects of Latino lawyers' professional careers in Los Angeles County.

A. Practice Setting

In what setting do Latino lawyers in Los Angeles practice? Compared to national and California attorneys, the Latino lawyer from Los Angeles⁵³ exhibits a more publicly oriented professional choice. Our data indicates that a large percentage of Los Angeles Latinos serve governmental agencies and poverty legal services programs. In the private sector, surprisingly, a smaller percentage of Latinos are solo practitioners compared with other lawyers. These, and other factors, are explored below.

1. Comparison with National Data

Nationally, lawyers are concentrated in private practice. However, there are some interesting differences between lawyers nationally and members of the Latino bar in Los Angeles County. For instance, almost 80% of all lawyers nationwide work in private practice, but only 72.2% of Latino lawyers do so.⁵⁴ And, over 37% of all lawyers nationally, compared with only 22% of Latino lawyers, are solo practitioners. In contrast, nearly 50% of Latino lawyers work in law firms, while only 42.4% of all lawyers nationally have such positions. These statistics tend

⁵² MILES TO GO, *supra* note 10, at 11.

⁵³ "Latino lawyer" from Los Angeles refers to the Los Angeles County Latino lawyers for whom we collected the broader sample of demographic data. See *supra* notes 33-34.

⁵⁴ *Id.*

to dispel some stereotypes regarding Latino lawyers. Traditionally, Latino lawyers, like minority lawyers in general, have been thought to concentrate in solo practice instead of multi-lawyer firms. The data presented here reveals an opposite trend. Of course, these numbers do not reflect the specific size of firms in which Latino lawyers practice.⁵⁵

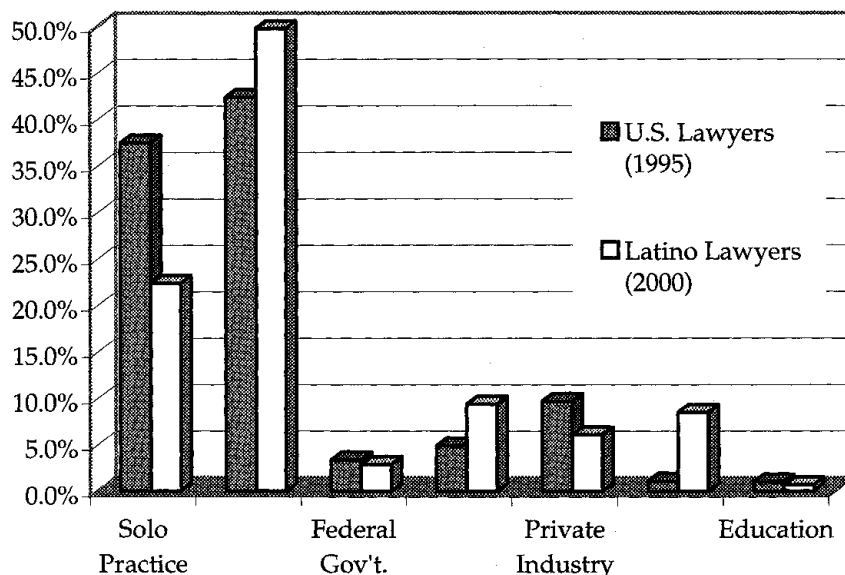
A different trend emerges when we analyze the data for the legal aid, state and local government, and public defender positions. While only 4.9% of all lawyers nationwide work in state and local government jobs, 9.4% of Latino lawyers work in these positions. Thus, Latino lawyers are almost twice as likely as attorneys nationally to be employed in the government sector. Additionally, about 1% of all lawyers are public defenders or work for legal aid agencies, but, for Latinos, the percentage jumps to 8.5%. What might explain these trends? Are Latino lawyers more attracted to these positions? If so, for what reasons? If not, what other factors lead them to choose these positions over other, often higher-paying ones?⁵⁶

Nationally, 3% of all attorneys are employed in federal government jobs, regardless of ethnicity. However, nearly 10% of all lawyers nationally work as in-house counsel, but only 6% of Latino lawyers do so. In-house counsel positions are usually less numerous and it may be that the four-point differential found here is not very significant. Given that Latino lawyers only represent 3% of the bar in California, it may be very hard to obtain fair representation in this area of practice.

Nonetheless, the differential is worth mentioning because it may well have a wider impact. The success of lawyers in private firms depends, in part, on referrals by business; it is often the in-house attorneys who refer corporate legal work to private firms. The underrepresentation of in-house Latinos may suggest that this referral network disadvantages Latinos.

⁵⁵ Firm size is discussed *infra* Part II.C.

⁵⁶ These questions are explored further *infra* Part II.B.

Fig. 5 — U.S. and Latino Lawyers by Employment⁵⁷

Finally, the percentage of lawyers working in the academic setting is very similar for both groups, albeit small. Only 1% of all U.S. lawyers and 0.7% of all Latino lawyers are employed in the education sector. Because our data is based on a very small number of Latino lawyers in academia, information from a recent report of the Association of American Law Schools (“AALS”) provides a better picture of the Latino lawyers working in the academic setting.⁵⁸

The AALS report examined 8827 full time faculty members at 184 law schools. From the 1994-1995 academic year through the 1999-2000 year, the percentage of minority professors rose from 12.3% to 13.6%. During the 1999-2000 academic year, total law school faculty included 86.4% whites (non-Latino), 7.1% blacks, 3.0% Latinos, 2.0% Asians, and 0.4% Native Americans. In comparison, the ethnic composition of all *new* faculty in 1999-2000 included 78.2% non-Latino whites (a decline from the overall statistic for the same school year), 9.1% blacks, 4.6% Latinos, 4.1% Asians, 1.5% Native Americans, and 2.5% “other minorities” (an increase from the overall statistics for the same school year, which bodes

⁵⁷ See CARSON, *supra* note 34, at 14 Tbl.7 (citing U.S. statistics).

⁵⁸ The following data on law faculty is based on Richard A. White, *Association of American Law Schools, Statistical Report on Law School Faculty and Candidates for Law Faculty Positions*, at <http://www.aals.org/statistics/index.html> (last visited Apr. 30, 2005).

well for minority faculty). But, how successful are these academics?

Tenure is one measure of a professor's professional success. In 1986, only 3.5% of all tenured law faculty and 11.1% of all faculty in tenure-track positions were minorities.⁵⁹ These percentages increased during the subsequent years. Among tenure-track faculty hired between 1986 and 1991, however, 16.6% were minorities; and among tenure-track faculty hired between 1991 and 1994, 27.4% were minorities.⁶⁰ However, rates of attrition and rates of employment must be further surveyed to gain a more complete understanding of minority representation among law faculty. Unfortunately, the attrition rate is higher among minorities than it is among nonminority faculty. Only 17.1% of non-Latino whites in tenure-track positions in 1981 had left academia by 1987. In contrast, the attrition rate for minorities was over 30%.⁶¹ In light of this national data, are employment patterns that emerge from comparing Latino bar members to all lawyers duplicated at the state level in California?

2. Comparison of California and Los Angeles Statistics

The demographics in California are unique. While the comparison figures for all California lawyers and the national figures are largely the same, significant differences appear when all of the California lawyers are compared with our sample of Los Angeles attorneys. One major difference appears when comparing all California lawyers and Latino lawyers in Los Angeles County in private and public service.⁶² For example, over 78% of all California lawyers work in private practice, while only 64% of our Los Angeles Latino lawyers do so, representing a 14% difference (Figure 6).⁶³

So, where are the remaining 36% of Latino lawyers practicing? The following three categories represent a partial answer. Only 1.2% of all California lawyers work as public defenders or for legal aid organizations, but the number leaps to 10.9% for Latino lawyers.⁶⁴ A little over 1% of all California lawyers work for the federal government,

⁵⁹ MILES TO GO, *supra* note 10, at 19.

⁶⁰ *Id.* at 11.

⁶¹ *Id.*

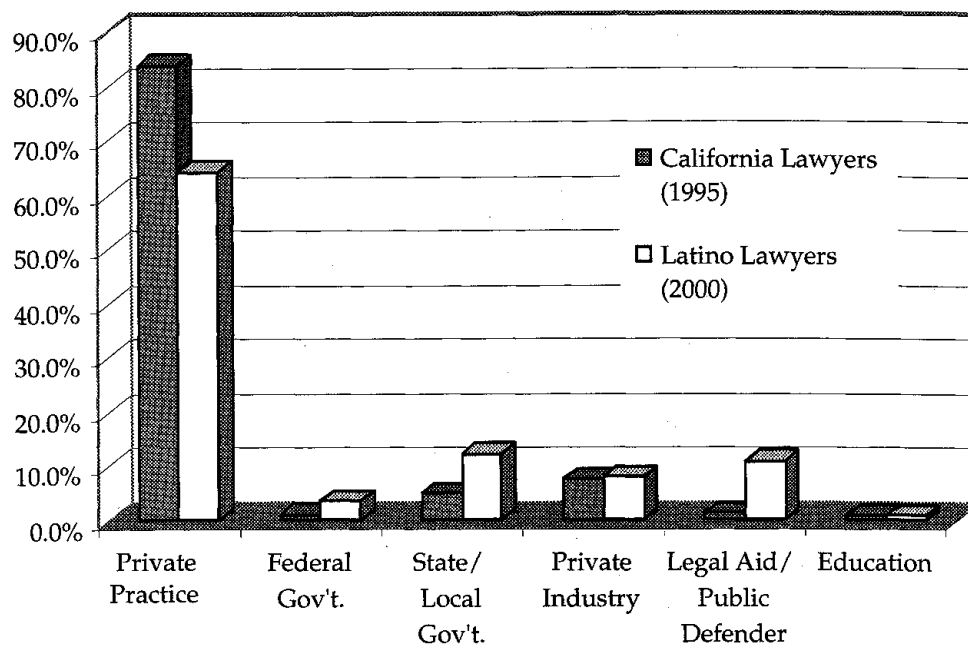
⁶² Only a rough comparison can be made here, as the most recent study of California lawyers that examined practice settings in detail was in 1995, while the data in this survey was collected in 2000. See CARSON, *supra* note 38, at 12. The categories of "Solo Practice" and "Firm Practice" in the Latino lawyer's survey were combined to allow for a comparison with the "Private Practice" category in the California study.

⁶³ *Id.* at 46.

⁶⁴ *Id.*

but 3.7% of Latino lawyers hold these positions.⁶⁵ Also, 4.6% of California lawyers work for state or local government agencies, whereas 12.3% of Latino lawyers fill these agencies.⁶⁶

Fig. 6 — California and Latino Lawyers by Employment⁶⁷



These stark differences suggest the importance of further investigation. At both the national and state levels, the greatest disparities are found in the areas of government, legal aid, and public defender positions. Why do more Latino lawyers practice in these fields than do lawyers nationally and statewide? The next section, which examines the factors that motivate survey respondents to work — and stay — in their current positions, may also explain, at least in part, their choice of practice settings.

B. Career Path

Respondents listed personal preference as the most important factor in remaining in their current position of employment. Idealism and social

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *See id.* (providing California statistics).

consciousness were listed as the second most important factor. Beyond these factors, numerous other factors explained our Latinos' choices of law careers, but to a lesser degree. Of the respondents, 23.2% cited geography as a predominant factor in determining their career choices. Another 21.1% reported that their current position was the best job available to them when they applied for it. Other factors determinative of career paths include the following: family obligations (18%), financial pressures (12.5%), and student loans (7.6%) (Table 1).

Table 1 — Most Important Factors in Survey Respondents' Choices to Stay at Their Current Place of Employment

Factors	%
Personal Preference	81.0
Idealism/Social Consciousness	34.9
Geography	23.2
Best Job Available at the Time	21.1
Family Obligations	18.0
Other Financial Pressures	12.5
Student Loans	7.6
Other	28.7

The statistics on student loans are somewhat surprising because loans are often thought to have a greater impact on young lawyers' career decisions than they appear to have had on our survey respondents. This result may, in part, be explained by the fact that many of the survey respondents have been practicing for many years and, therefore, are no longer concerned with student debt. Also, many survey respondents received scholarships and extensive financial aid packages, which may have alleviated some of the pressures of student loan obligations.

It is worth noting that, based on our limited data, gender, with one exception, does not appear to have significantly affected the study results. Indeed, when the survey results were analyzed by gender, only the importance attached to student loans when choosing employment revealed a significant disparity between male and female answers. Over twice as many women than men reported that they remained in their current employment positions because of student loans (11.1% versus 5.5%, respectively). It may be that the need for economic stability is stronger in females.

Do the patterns in our data appear to be dependent on our lawyers' practice settings? Intuition would say that government and legal aid attorneys are motivated more by idealism and social consciousness, while private practitioners have more financial concerns. But, does the data follow this intuition?

1. Important Factors for Choosing Current Positions

Eighty-one percent of all survey respondents reported that personal preference is the most important factor determining why they choose to stay in their current position of employment. Undoubtedly, self-selection contributed to this high figure. But, there must be a reason for such self-selection. A partial answer may be found in the 34.9% of respondents who reported that their ideals and social consciousness were determinative factors in their decisions to take and remain in their current positions. The survey respondents reported that ideals and social consciousness are very important factors in the level of employment satisfaction.⁶⁸ This pattern underscores the notion that lawyers are often motivated to pursue a legal career and to remain a lawyer because of a sense of accomplishment and fulfillment gained through helping others.

Survey respondents often cited personal preference as a reason for remaining in their current positions, regardless of practice setting (Figure 7). However, the next most frequent response, idealism and social consciousness, is significant. It was the second most frequently listed category, but only for lawyers in federal government jobs, legal aid, public defender positions, and in academia. The importance of idealism and social consciousness is relatively lower for lawyers in state and local government positions. And, its importance is even lower for those in private practice and private industry.

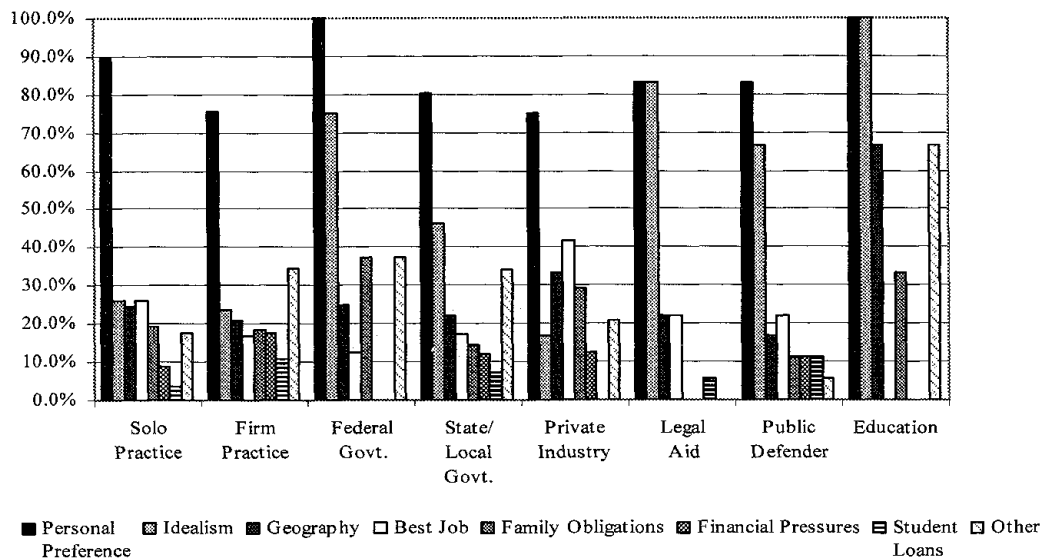
The choice of employment and the reasons given for remaining in that employment underscore the importance of idealism and social consciousness. That most would cite a personal preference for their present positions, it seems to me, is expected. In addition, it is not surprising that idealism is cited second to personal choice by all Latino Lawyers in Los Angeles, except those in private practice (solo and firm practitioners) and in-house lawyers. As indicated above, lawyers in some public service positions list idealism frequently to explain their satisfaction with their professional lives. In comparison, those in local

⁶⁸ See *infra* Part II.B and *supra* Tbl. 1, p. 30 (discussing idealism and social consciousness).

and state government positions list idealism less frequently than other public positions. I believe this reflects the nature of the positions. Latinos who work for the federal government, for example, are likely to be employed in positions with agencies such as the Equal Employment Opportunity Commission and similar service agencies. On the contrary, state and local government offer more opportunities for employment, but have fewer service oriented positions. Thus, it makes sense that state and local government attorneys would list "idealism" less frequently.

But, what about the private sector? Solo practitioners list "idealism" on a par with "best job." Both categories are listed most frequently, next to "personal preference." To me, that means that idealism is considered extremely important by solo practitioners when deciding whether to remain solo practitioners. That comports with my experiences when I practiced as a solo practitioner and was in touch with many solo practitioners. Only those lawyers in firms and in-house positions did not list "idealism" as their most important consideration (next to personal preference) for remaining in their positions. This makes perfect sense. After all, these are lawyers more attracted to the commercial side of practice.

Fig. 7 — Most Important Factors in Choice of Survey Respondents to Stay at Their Current Place of Employment, by Practice Setting



On the flip side, financial pressures were reported infrequently or not at all. Solo practitioners (8.8%) and public defenders (11.1%) listed financial pressures infrequently, indicating that this factor is less significant in determining their current career choice. Moreover, those working in legal aid agencies did not list it as a factor at all. Those in private practice and in-house positions often report that they would like to work in legal aid organizations, but cannot afford to do so. Thus, they are forced to take private firm or in-house positions. And, therefore, lawyers in these positions tend to report financial considerations as reasons for taking their position more frequently than those in other positions.

Figure 7 reflects these statistics. Lawyers in private practice and private industry, where jobs are higher paying, report being more concerned about financial pressures or student loans. These concerns appear to have an effect on their career path. Indeed, 17.5% of our Los Angeles Latino lawyers working in private firms and 12.5% of Latinos in in-house positions report financial pressures as a determinative factor in choosing that type of practice setting. However, it is important to note that, similarly, 12.2% of Latino lawyers in state and local government positions stated that financial pressures were a determinative factor in choosing their current positions. Thus, the data suggests that, even for groups who reported some concern with financial pressures, the obligation to pay student loans is not an important factor in career determination.

The dramatic increase in the financial cost of legal education stresses the importance of examining its cost to society based on where attorneys will be employed. Will the lawyers have the time, energy, and interest in being active citizens in their communities, or will the economic burden be so great that all their energy is expended on economic endeavors? The data is mixed. Most Latino lawyers from Los Angeles indicate that the cost of legal education, as reflected by student loans, is not determinative of their professional choices. Those in private practice, who are generally well paid, and public defenders, who, on the other hand, are not well paid, are those who consider loan payments important in their career choices. However, the data is not categorized by years of practice. It may be that this factor is more important among the young. And, thus, as young lawyers pay off their debts and move forward in their careers, their career choices may be more civic-minded. Manifestly, more research needs to be performed in this area.

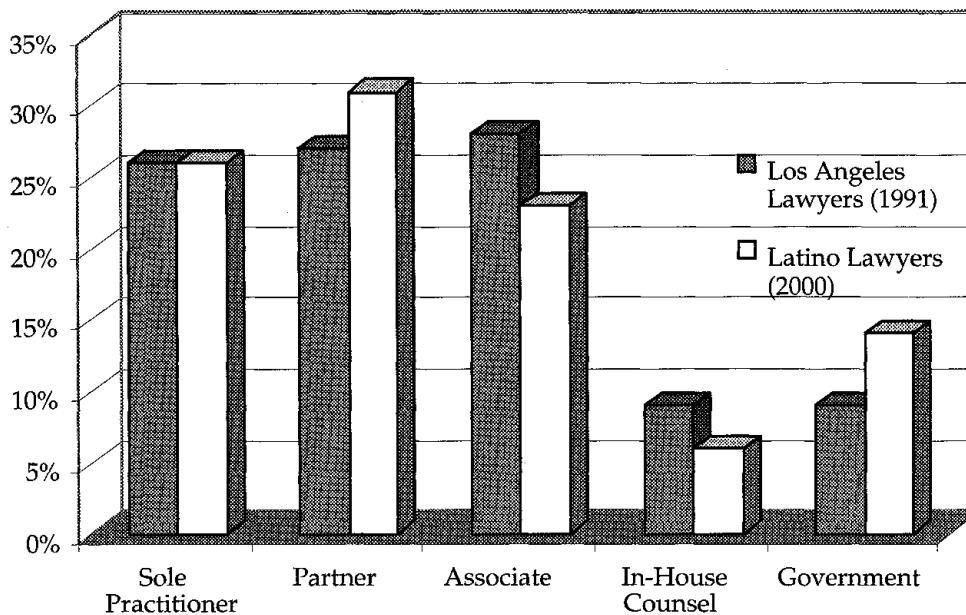
2. Los Angeles Latinos and Government Positions

Our study found that a large percentage of the respondents are employed in government positions. A factor that may help to explain the higher number of Latino lawyers in Los Angeles County working for government agencies is that Los Angeles has more government jobs available in comparison to the rest of the state. Government agencies abound in Los Angeles County,⁶⁹ and government job opportunities for young lawyers are numerous. However, the following data shows that Latino lawyers are employed in the government sector in greater percentages than are attorneys in Los Angeles County at large.

The only available data for Latino lawyers in Los Angeles County dates back to 1991, but still serves as a rough guide for comparison purposes.⁷⁰ Its breakdown is similar to that of our survey. The percentage of Los Angeles area lawyers in solo practice as of 1991 is the same as the percentage of our Los Angeles Latino solo practitioners (26%) (Figure 8). Interestingly, the percentage of Latino partners exceeds that for all Los Angeles lawyers (31% versus 27%). The reverse holds true for associates, where 28% of all Los Angeles area lawyers are associates, compared with 23% of our Los Angeles Latino lawyers. Further, 9% of all lawyers in the Los Angeles area work in private industry, whereas only 6% of our Latino lawyers do. Finally, only 9% of all Los Angeles area lawyers worked in government positions in 1991, but the percentage jumps to 14% for Latino lawyers.

⁶⁹ Among the state and federal government agencies in which lawyers may practice in Los Angeles are: the Office of the U.S. Attorney, the Office of the Attorney General, the Office of the District Attorney, the Office of the County Counsel, the Office of the City Attorney, the Office of the Federal Public Defender, the Office of the County Public Defender, the Office of the Alternate Public Defender, and a number of courts where young lawyers may work as judicial clerks. See Los Angeles Office of the City Attorney, at <http://www.lacity.org/atty/> (last visited Apr. 20, 2005); Los Angeles Office of the District Attorney, at <http://da.co.la.ca.us/default.htm> (last visited Apr. 20, 2005); Los Angeles Office of the Federal Public Defender, at <http://pd.co.la.ca.us/> (last visited Apr. 20, 2005); Los Angeles Office of the U.S. Attorney, at <http://www.usdoj.gov/usao/offices/> (last visited Apr. 20, 2005); Los Angeles Office of the Alternate Public Defender, at http://lacounty.info/departament/alternate_public_defender/alternate_public_defender.htm (last visited Apr. 20, 2005); Superior Court of County of Los Angeles, at <http://lasuperiorcourt.org> (last visited Apr. 20, 2005).

⁷⁰ Los Angeles area statistics are from RUSSELL & WILLIAMSON, *supra* note 19, at 31. This 1991 study is the most recent study available profiling Los Angeles County attorneys.

Fig. 8 — Latino and Los Angeles Area Lawyers by Legal Position⁷¹

While all Los Angeles lawyers hold government positions at a higher rate than California or U.S. lawyers in general (9% versus 6.1% and 8.3%, respectively),⁷² the percentage for Latino lawyers exceeds all of these statistics. It appears that personal preference and idealism remain strong factors in explaining the government employment differentials between Latino lawyers and other members of the legal profession. Latino lawyers from Los Angeles work for the government in greater numbers due to factors beyond “idealism.” The government has recruited Latinos and has been a more welcoming opportunity for employment than has the private sector. It also provides a balanced life, allowing lawyers to continue to be active in the community. The private sector can heed the lessons learned from government. It needs to provide a more welcoming workplace that leaves time for the community and more actively recruit Latinos. Such considerations, more so than higher pay, will attract Latinos.

A few other reasons may explain the overrepresentation of Latino lawyers among government attorneys in particular.⁷³ Federal government agencies and, until recently, California government agencies, have been required to use affirmative action in hiring, thereby

⁷¹ *Id.*

⁷² See CARSON, *supra* note 34, at 46; RUSSELL & WILLIAMSON, *supra* note 19, at 31.

⁷³ See MILES TO GO, *supra* note 10, at 12-13.

increasing employment opportunities for minority lawyers. As more minorities are brought into those agencies, minority lawyers in general are more likely to gravitate toward them. Essentially, greater Latino representation in these agencies will create more mentors for newly entering attorneys and greater opportunities to quickly develop their professional skills, compared with Latino lawyers in private practice.

Similarly, greater numbers of Latino lawyers in government positions increases their networking opportunities. These opportunities are even more important if a lawyer is a first-generation practitioner and needs to network with other minority lawyers. Networking opportunities are especially important for Latino practitioners because 92.4% of them are the first in their family to become a member of the bar.⁷⁴ This fact is supported by a presumption that the high rate of Latino lawyers who choose to work in government positions choose to do so because of personal preference. The personal preference in choosing a government position may result from personal contact with those already in government. Additionally, the government has gained a reputation in the Los Angeles Latino community of being more welcoming and responsive than private firms. Young Los Angeles Latino lawyers are likely to seek out government positions more often than Anglo-American lawyers, and, thus, "select" themselves out of the private sector. Therefore, self-selection is probably less significant in explaining the high number of responses that express personal preference as a determinative factor of career path.

In short, government positions may be more attractive because they offer many opportunities that Latino lawyers may have a difficult time finding in other sectors. As the Latino community enjoys greater success in the business world, the private sector will likely become more attractive to Latino lawyers. The career path of Latino lawyers can be expected to mirror those of other attorneys.

C. *Size of Law Firms*

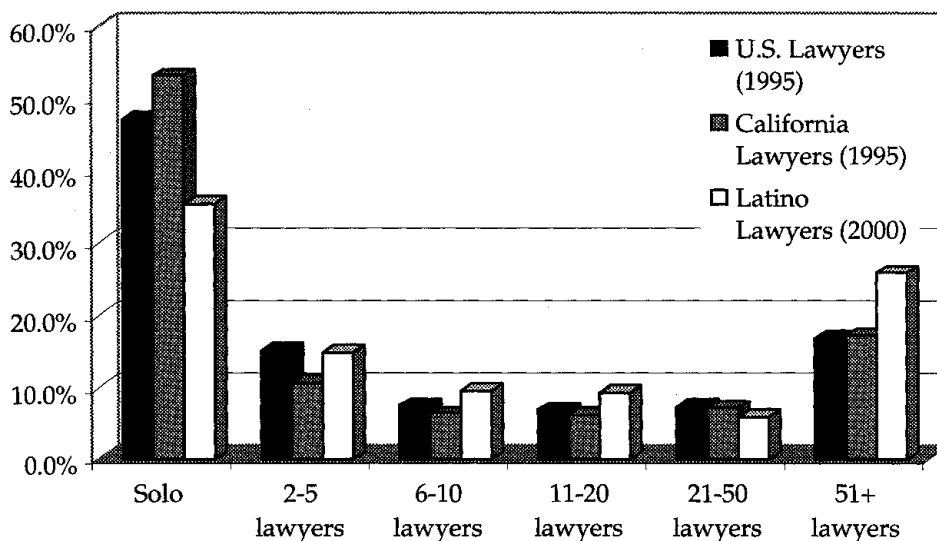
As was seen earlier,⁷⁵ a surprisingly large number of Latino lawyers in Los Angeles County practice in private law firms. The rate of Latino lawyers working in such settings exceeds both the rate of all U.S. lawyers working in private law firms and the rate of Latino lawyers working in solo practice. But, do Latino lawyers who work in private practice work in large law firms, or do they tend to concentrate in small practices?

⁷⁴ See *infra* Figure 24, p. 74.

⁷⁵ See *supra* Part II.B.2 and accompanying notes.

When comparing the firm settings of lawyers in the U.S., generally, with our Latino lawyers in Los Angeles, law firm size does not vary significantly. However, there are two notable differences between these two groups. First, the percentage of private practitioners nationally in solo practice is greater than the percentage of Los Angeles County Latinos who practice solo (47% versus 35%, respectively). This pattern was noted earlier.⁷⁶ Second, there is a difference between the groups in the "51+ lawyers" category; here, 16.6% of all private practitioners nationwide, compared to 25.7% of all Latino private practitioners, work in firms with fifty-one or more attorneys (Figure 9).

Fig. 9 — Private Practitioners by Practice Size⁷⁷



In turning to a comparison of our Los Angeles Latino lawyers with California lawyers, similar differences are seen. Once again, the percentage of California private practitioners in solo practice is much higher than the percentage of Los Angeles's Latino solo practitioners (53% versus 35%, respectively). The different distributions that emerged when comparing the national and Los Angeles Latino lawyers data by law firm size is also echoed in the California comparison. Those lawyers working in firms of fifty-one or more represented 17.1% of all California lawyers, compared to 25.7% of our Los Angeles Latino lawyers.

⁷⁶ See *supra* Figure 5, p. 25.

⁷⁷ For U.S. statistics, see CARSON, *supra* note 34, at 25; for California statistics, see *id.* at 47.

For all other categories (law firms with two to fifty lawyers) the differences among Latino lawyers of Los Angeles and their national or state counterparts are insignificant. In all, close to 65% of Los Angeles Latino private practitioners are working in law firms with two or more lawyers, compared to 53% of all U.S. private practitioners and 47% of all California bar members who similarly do so. But, despite the prevalence of Los Angeles Latino lawyers in large firms, do these lawyers hold positions of influence in their firms, or do most of them fill the associates' ranks?

D. Law Firm Positions

Minority representation among the associates in large law firms increased from 5.1% in 1985 to 10% in 1996. Asian-Americans are the best represented minority group among associates (Asian-Americans made up 4.5% of all associates in 1996), followed by African-Americans (3.7% of all associates). Hispanics made up 1.8% of associates in 1996.⁷⁸ Among these, Latinos made up 1.8% in 1996.⁷⁹ Minority representation among the partners in large firms has increased less than 2% since 1986, and only .6% since 1991. Nationwide, minority representation among partners was 2.95% in 1996, and 2.97% in 1997.⁸⁰ NALP found that lawyers "of color" made up 14.27% of associates and 3.71% of partners among all law firms surveyed in 2002.⁸¹ In California, lawyers "of color" comprised 17.58% of all associates and 6.01% of all partners.⁸² In Los Angeles, attorneys "of color" accounted for 21.75% of all associates and 7.35% of all partners.⁸³

How do Latino private practitioners compare to other private practitioners in the United States and California? Among lawyers in private practice, about one-third are partners in both the national population and in the population of Latino lawyers we surveyed.⁸⁴ The

⁷⁸ MILES TO GO, *supra* note 10, at 4.

⁷⁹ *Id.* By contrast, Asian-Americans made up 4.5% and African-Americans made up 3.7% of all associates in 1996. *Id.*

⁸⁰ *Id.*

⁸¹ NALP Summary, *supra* note 16. NALP tracks attorney employment only at the nation's "major" law firms.

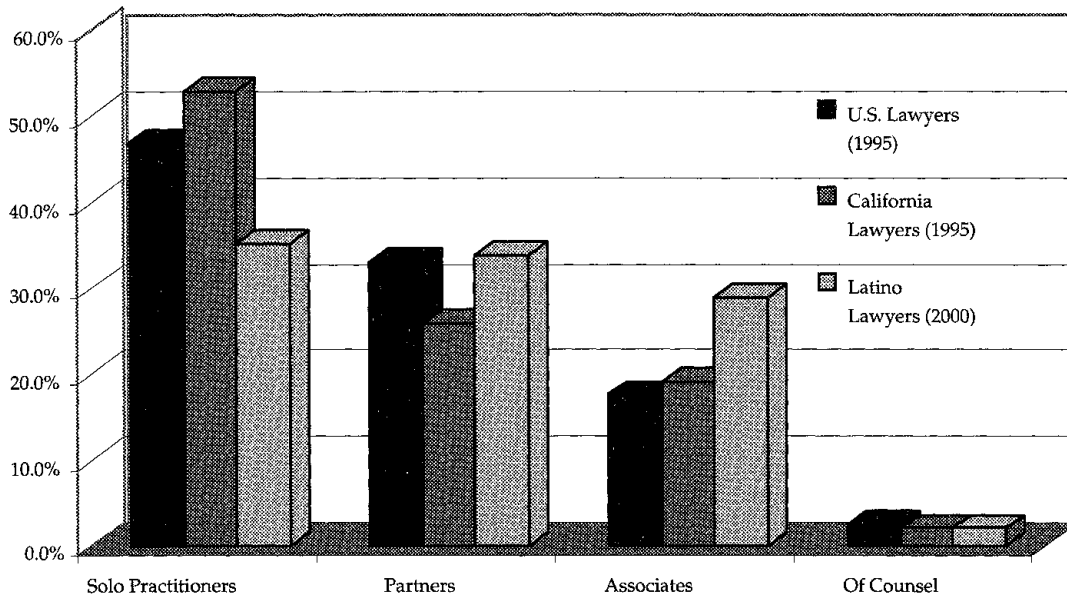
⁸² *Id.*

⁸³ *Id.* Unfortunately, the NALP data do not indicate the racial or ethnic background of those lawyers.

⁸⁴ CARSON, *supra* note 34, at 26. The survey calculated the percentage of partners for the national figure by adding the percentage for "Other practitioner in firm with associates" to the percentage for "Practitioner in firm with no associates," which excluded the categories of "Solo Practitioner" and "Of Counsel." *Id.*

percentage of private practitioners who are “of counsel” is also similar across the board, at about 2.5%.⁸⁵ However, there are clear differences between national private practitioners and our Los Angeles Latinos. For instance, close to 18% of all private practitioners are associates, compared to 29% of Los Angeles Latino private practitioners. As noted above, this trend is reversed for solo practitioners.⁸⁶ Compared to the national bar, solo practitioners are underrepresented among Latino lawyers at 35.2%, while they represent 46.9% of all lawyers nationally.⁸⁷ Similar patterns emerge when we compare our Los Angeles Latinos with California data on the whole (Figure 10).

Fig. 10 — California Latino Lawyers and Latino Lawyers from Los Angeles by Legal Position⁸⁸



There are some significant differences between California attorneys in private practice and their Latino counterparts in Los Angeles. Twenty-six percent of California private practitioners are partners in firms of two or more. Yet, nearly 34% of Latino attorneys in private practice in Los Angeles are partners.⁸⁹ Over 19% of California private practitioners are

⁸⁵ *Id.*

⁸⁶ *See infra* Part II.B.2.

⁸⁷ *Id.*

⁸⁸ *See* RUSSELL & WILLIAMSON, *supra* note 19, at 31 (reporting Los Angeles statistics).

⁸⁹ CARSON, *supra* note 34, at 48.

associates, but the number jumps to nearly 29% for Latino private practitioners.⁹⁰ The percentage of private practitioners who are “of counsel” is equal for both groups, at 2.1%. Once again, the trend reverses for solo practitioners, with Latino lawyers underrepresented in that setting relative to all California lawyers (35.2% compared to 52.9%, respectively).⁹¹

When the data are disaggregated by gender, a clear pattern emerges. A greater proportion of men are partners than are women in private practice. This disparity is greatest at the national level, where there is a gap of 17.2%.⁹² It is slightly less marked at the California state level, where there is a difference of 13.1%, and lowest among Latino lawyers in Los Angeles, where the difference is 6.4%.⁹³ The general male-female disparity is due, in part, to the fairly recent entry of women into the profession. Women began to enter the legal profession in large numbers only within the last three decades. Women now make up 30% of the bar and almost half of all law school graduates.⁹⁴ As practice and experience are predicates to partnership, it stands to reason that women partners are fewer than men.

Latinos, regardless of gender, experienced fewer opportunities and greater barriers to entry into the legal profession until the 1970s.⁹⁵ This explains the smaller disparity in partnership rates between Latinas and Latinos. Yet, the large percentage of Latino lawyers who are partners is surely an encouraging sign. Hispanics are the fastest growing minority group among partners. The ABA Commission Report found that the number of Hispanic partners in the nation’s largest law firms increased 78% between 1991 and 1996, compared to a 22% increase in the number of African-American partners, and a 52% increase in the number of Asian-American partners.⁹⁶ The Report concluded that this trend suggests that Latinos may have benefited from changes in the client base at large firms, particularly in Florida and on the West Coast, where

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.* at 26.

⁹³ *Id.* at 48.

⁹⁴ Rhode, *supra* note 30, at 13. However, women are underrepresented at the partnership level even when controlling for age. *See id.* at 23 (analyzing obstacles that women encounter in achieving partnership).

⁹⁵ *See infra* Part III.A.

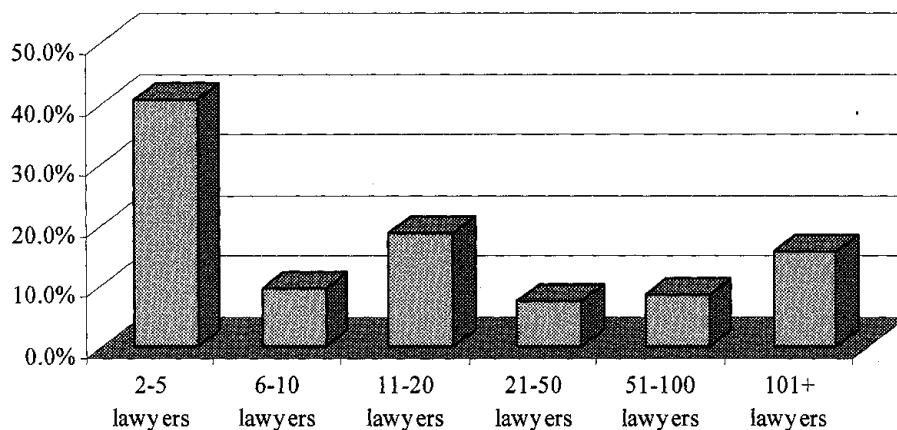
⁹⁶ *See* MILES TO GO, *supra* note 10, at 5. The ABA reports that the number of Latino partners in the country’s largest law firms increased by 78% between 1991 and 1996, compared to a 22% increase for African-American partners and a 52% increase for Asian-Americans. *Id.*

Latinos make up a large segment of the population. Indeed, from my observations, the composition of law firms tends to mimic that of clients, especially at the partnership level.

This explanation applies mainly to Latino partners in large firms. However, the majority of the partner-respondents reported working in smaller firms (Figure 11). This is a fairly reliable indicator of the status of Latino lawyers in the economic and social life of Los Angeles County. Equity partners in larger firms more often enjoy higher incomes and provide more significant influence in the political and social life of the county. National and state political leaders are drawn from partners in large law firms. These firms enjoy disproportionate influence in nominating judges and in providing leadership in the State Bar and American Bar Associations. Partners and former partners in large firms are also more often found in important positions in corporate and other economic enterprises. Until Latino lawyers are well represented as equity partners in large law firms, their power and influence will not match that of their Anglo colleagues.

As Figure 11 indicates, 50% of all Latino partners work in firms with ten or fewer lawyers. As many as 40.7% of Latino lawyers work in firms with two to five lawyers. Our data shows that 24% of Latino partners work in law firms of fifty or more attorneys. That figure may seem high, but, in reality, it represents a very small fraction of all partners in large firms.

Fig. 11 — Size of Law Firms Where Latino Partners Practice



There are several possible explanations for the concentration of Latino partners in smaller firms in Los Angeles. In general, despite the increased entrepreneurial successes in the Latino community and a growing middle class, most Latinos and Latino businesses do not meet the profile of big firm clients. In contrast, Latinos in Miami, many of whom are already wealthy, have done well economically and, therefore, have been sought after as clients by large local firms.⁹⁷

Another reason may be the desire of Latino attorneys in Los Angeles to serve the Latino community. Many Latinos cannot afford the fees typically charged by large firms. Latino attorneys who want to serve their community know that working at a large downtown Los Angeles firm is not the best way to accomplish this goal. As one Latina lawyer in our survey explained: "Not every person can afford [a large downtown law firm] when they need an attorney. Every ethnic community must have attorneys accessible to them."

The desire to have greater control over one's work and career development is another possible explanation for the large number of Latino lawyers and partners in small firm practice. Furthermore, among partners, minorities are more likely than whites to be nonequity (salaried) partners, rather than sharing the profits of the firm.⁹⁸ In contrast, partners in smaller firms are, in general, more likely to be equity partners. This may be important for explaining the choice of many Latinos to practice in small firms.

Latinos may also feel discontent at large firms for reasons other than being denied equity partnership. In our survey, a Latino partner at a nine-lawyer firm, a graduate of Yale College and Harvard Law School, explained that "[d]espite years of 'progress' we are not being afforded opportunities to succeed at major corporate law firms. The few Latinos who enter the practice (mostly from highly prestigious law schools) invariably leave prior to making partner." If minority lawyers feel that they do not have a future at their firm, they have a strong incentive to leave and join a small firm, or to hang up their own shingle.

Corporate clients have begun to pressure large firms to employ attorneys of color, including Latinos.⁹⁹ In contrast, public employers, like

⁹⁷ In 2001, Hispanic-owned businesses in Florida enjoyed revenues of \$8.1 billion, whereas California, with a much larger Latino population and more Latino-owned businesses, showed revenues at only \$3.4 billion. *Heading Up a Down Year: Hispanic Business 500 Revenues Grew 10.9 Percent in 2001, Despite a National Economic Slowdown*, HISP. BUS., June 2002, at 40.

⁹⁸ See MILES TO GO, *supra* note 10, at 14 n.138. Among minority partners, 46.2% are nonequity partners, whereas 30% of non-Latino white partners are nonequity. *Id.*

⁹⁹ For example, the Association of Corporate Counsel has a Statement of Principle on

prosecutors and public defenders, are eager to hire more minority attorneys. Public employers argue that, when so many who enter the criminal justice system are minorities and the government's attorneys do not reflect their clientele, the administration of justice risks losing its legitimacy among minority communities. Thus, the government runs a greater risk of racial bias, as well as a widespread perception of bias. Some balance, they argue, is necessary. Minorities, including Latinos, are woefully underrepresented in the judiciary. Manifestly, law schools need to produce a greater number of Latino lawyers so that the justice system, civil and criminal, can be better served.

E. Areas of Practice

The data presented so far may help to dispel many stereotypes often attached to minority lawyers in general and Latino lawyers in particular. It is also common to encounter stereotypes regarding the areas of law in which Latino lawyers practice. For instance, it is often assumed that Latino lawyers favor immigration law and civil rights work. But, does reality support this stereotype? Survey respondents were asked to disclose the areas of law in which they practiced. Table 2 presents their responses.

Diversity in the Workplace signed by the legal departments of many corporations, such as Bank of America, General Motors and SBC Communications. See Association of Corp. Couns., *Diversity in the Workplace*, at <http://www.acca.com/practice/diversity.php> (last visited Apr. 20, 2005).

Table 2 — Areas of Law in Which the Survey Respondents Practice

Practice Area	%	Practice Area	%
Litigation	28.4	Domestic Relations	5.2
Personal Injury & Property Damage	16.6	Public Interest	4.8
Labor & Employment	15.9	Bankruptcy & Debtor-Creditor Relations	4.5
Employment Discrimination	14.5	Workers' Compensation	4.5
Government	13.1	Consumer Claims & Protection	4.2
Real Estate	11.1	Banking & Corporate Finance	3.8
Civil Rights & Discrimination	10.4	Probate, Wills, Trusts, & Estates	3.5
General Practice	10.4	Healthcare	2.8
Corporate Law & Business Organizations	9.7	Securities	2.8
Commercial	9.3	International	2.4
Criminal Defense (Private)	8.7	Taxation	2.4
Criminal Prosecution	7.6	Product Liability	1.7
Appellate	7.3	Construction	1.0
Criminal Defense (Public)	7.3	Medical Malpractice	1.0
Intellectual Property	7.3	Alternative Dispute Resolution	0.7
Administrative	6.9	Admiralty & Maritime	0.3
Immigration & Naturalization	6.9	Antitrust	0.3
Insurance	6.9	Municipal Finance	0.3
Entertainment	6.2	Sports	0.3
Landlord & Tenant	5.9	Other	9.7

Note that only 6.9% of survey respondents work in the areas of immigration and naturalization. In fact, more Latino lawyers work in the areas of real estate, corporate law, and intellectual property than in the area of immigration. Further, only 4.8% of all survey respondents practice public interest law, 4.5% mentioned handling workers' compensation matters, and 4.2% stated that they represent consumers. Over 28% said that they practice litigation generally. These statistics dispel common stereotypes associated with Latino lawyers.

Latino lawyers enjoy a broad range of practices. A substantial percentage of survey respondents work in the areas of civil rights and discrimination (10.4%), employment discrimination (14.5%), and labor and employment (15.9%). However, as many as 16.6% practice personal injury law, 11.1% practice real estate law, 9.7% practice corporate law, and 9.3% practice commercial law, areas less often associated with minority members of the bar. A 1991 study of the State Bar of California determined the most common areas in which California lawyers practice.¹⁰⁰ Table 3 compares the results of that study to the data

¹⁰⁰ The California Bar computed these figures by dividing the "Number of Respondents

gathered in our survey of Latino lawyers in Los Angeles.

Table 3 — Most Common Areas of Practice (California, 1991)

Areas of Practice	% of CA Bar	% of Los Angeles Latino lawyers
Business Law ¹⁰¹	49.0	28.6
Real Estate Law	31.0	11.1
Personal Injury	25.0	16.6
Domestic/Family Law	18.0	5.2
Landlord/Tenant Law	17.0	5.9
Bankruptcy Law	17.0	4.5

These are rough comparisons, given that the data collected differs by nine years. However, the statistics demonstrate an interesting difference between all California lawyers and Los Angeles Latino lawyers in the business law category. The business law category was defined slightly differently in the survey of Latino lawyers, and it is possible that our definition of the practice areas differed sufficiently from the California study. Moreover, the California lawyer, in general, is more active in business matters than the Latino counterpart in Los Angeles. That appears to be true for the other business related fields such as real estate, bankruptcy, and landlord-tenant. On the other hand, Latino lawyers in Los Angeles are relatively more active in matters involving individuals, such as personal injury cases.

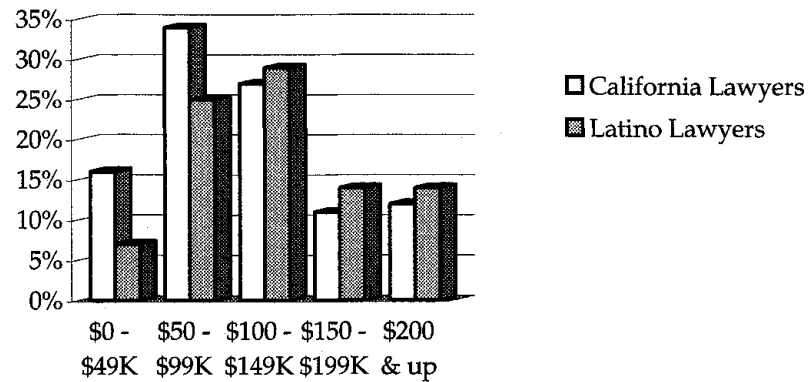
F. Income

This section provides an overview of the financial landscape for Latino lawyers. Most Latino lawyers earn between \$50,000 and \$150,000 a year (Figure 12). Of those remaining, 28% make more than \$150,000, and 7% earn less than \$50,000 a year. These numbers suggest that Latino lawyers are quite successful financially, and they compare favorably in this regard to other members of the California bar.

Who Spent Time in Each Area" by the total number of respondents. RUSSELL & WILLIAMSON, *supra* note 19, at 65, 67.

¹⁰¹ For Los Angeles Latino lawyers, the percentage was obtained by combining the percentages for the following business categories: Corporate Law & Business Organizations, Commercial, Banking & Corporate Finance, Securities, International, Antitrust, and Municipal Finance.

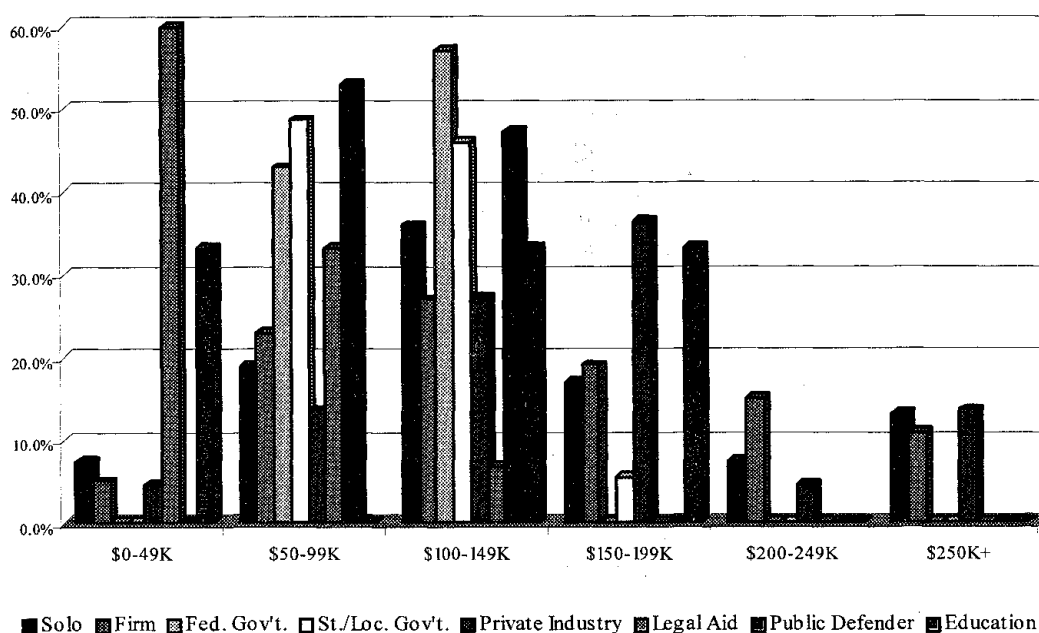
Fig. 12 — Income of California Lawyers and Los Angeles Latino Lawyers¹⁰²



Breaking down income by practice setting produces no revelations. As Figure 13 indicates, Latino lawyers who practice in legal aid organizations, in government agencies, or as public defenders are overrepresented in the lower income brackets (under \$100,000). Legal aid lawyers are especially concentrated in the lowest income bracket (less than \$50,000). On the other hand, solo and firm practitioners, as well as lawyers working in private industry, are overrepresented in the higher income brackets (over \$100,000).

¹⁰² To facilitate this chart comparison with the California data, percentages for Latino lawyers are rounded up and the "decline to state" category, which accounted for 12% of the responses, was not included. Consequently, the percentages for Latino Lawyers do not add to 100%.

Fig. 13 — Survey Respondents by Employment and Income from the Practice of Law

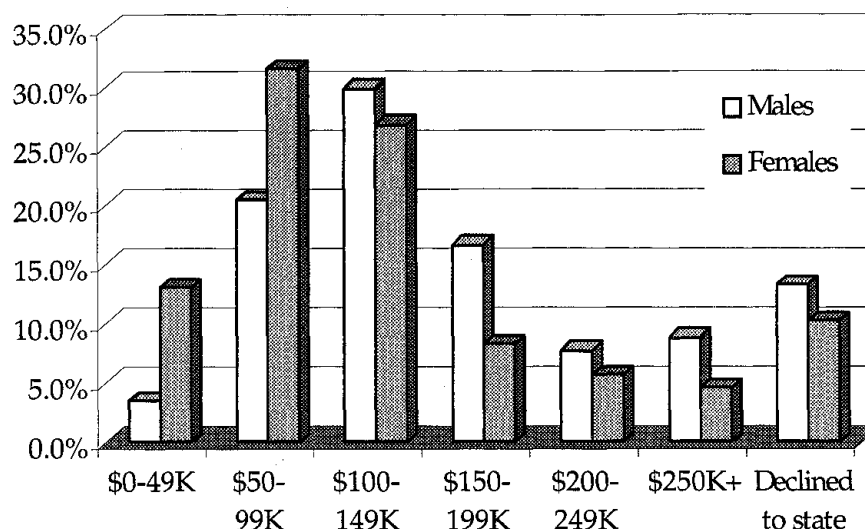


One of the most salient features of Figure 14 is the difference between the earnings of Latinos and Latinas within the legal profession. The further breakdown of gender by income bracket depicted in Figure 14 further underscores the earnings differentials between male and female members of the Latino bar. In the low-income brackets (\$0-49,000), women supersede men. However, as earnings increase above the \$50,000-line, men supersede women at increasingly higher rates (Figure 15). Female lawyers are generally younger than male lawyers.¹⁰³ This is explained by the fact that women only became lawyers in substantial numbers starting in the 1970s.¹⁰⁴ Likewise, Latina attorneys are younger, and, therefore, their comparatively lower earnings may reflect their lesser aggregate experience than men.

¹⁰³ See *infra* Part I.B.

¹⁰⁴ Rhode, *supra* note 30, at 13.

Fig. 14 — Survey Respondents by Gender and Income



However, the income disparity also finds explanation in the different distributions of Latinas and Latinos across practice settings. The survey results indicate that, although the male and female respondents are distributed fairly proportionately in the high-paying, larger law firms and in the private industry, Latinas are much more likely than Latinos to practice in lower paying positions at nonprofit legal services. Latinas are also more likely to work for the government. The remaining Latinos, on the other hand, are much more likely to be in solo practice.

The income differential revealed by the survey is not necessarily fully explained by these analyses. A study of the Chicago bar recently revealed that, even when controlling for the experience differential between men and women, the relationship between gender and income remains significant.¹⁰⁵ It is possible that gender discrimination may play a role in such disparities, an issue addressed in the next section.

G. Discrimination

While the increased number of minority lawyers is changing the face of most practice areas, instances of discrimination should not be overlooked. This section examines the various kinds of discrimination perceived by Latino lawyers in the legal workforce. We will see that the instances of discrimination differ with regard to Latino lawyers' initial

¹⁰⁵ Heinz et al., *supra* note 35, at 757.

search for employment and their current employment status.

1. First Job Search

Over half of all survey respondents (52.9%) reported having experienced some form of discrimination while looking for their first job (Table 4).¹⁰⁶ Over one-third of all survey respondents said that they experienced ethnic discrimination while on their first job hunt. Gender discrimination was cited by 15.2% of the respondents. Slightly less than 24% reported feeling generally unwelcome, whereas 24.2% said they were discriminated against, but did not specify the discriminatory conduct.

Table 4 — Discrimination Encountered by Survey Respondents in Their First Job Hunt

Discrimination	% of Respondents
Ethnic	35.3
Gender	15.2
Age	5.5
Sexual Orientation	1.0
Disability	0.3
Felt Unwelcome	23.9
Other (unspecified)	24.2
None	38.8
Not Applicable	8.3

The lawyers we surveyed were disinclined to elaborate on their responses in this section, making it difficult to interpret our survey results. Although our survey gave them the opportunity, no respondent indicated whether the discrimination was subtle or overt. Further, a large percentage (close to 40%) reported experiencing no discrimination at all.¹⁰⁷ However, some who indicated that they did not experience discrimination directly believe that ethnic and gender discrimination still

¹⁰⁶ We asked the survey respondents the following question to elicit information on discriminatory practices: "Do you feel that you have encountered any of the following obstacles in your very first job hunt: [check as many as apply; also, please specify in parentheses whether this obstacle was subtle ("S") or overt ("O")]. The following categories were listed: ethnic discrimination, gender discrimination, age discrimination, discrimination based on sexual orientation, discrimination based on disability, felt unwelcome, none, not applicable, other: please explain.

¹⁰⁷ Another 8.3% of the respondents said that the discrimination question did not apply to them at all; these were primarily solo practitioners.

exists in the legal profession. The results from the survey are, of course, based on the respondents' subjective experiences and perceptions. While there is no way to objectively determine whether a job applicant was rejected as a result of ethnicity, race, or gender bias, the degree to which applicants perceive discrimination is important.

The legal profession, it seems to me, suffers from a near insurmountable obstacle in changing these worrisome perceptions. As long as the Latino representation in the bar and bench is so at variance with the percentage of the general population of Los Angeles County, a Latino lawyer may wonder whether discrimination has played a part. Law schools are not producing sufficient Latino graduates to close that gaping variance, and the bar has not provided effective leadership to increase ethnic, gender, and racial diversity.

In light of the above findings and the reality of Latino underrepresentation in the profession, any law firm that is committed to diversity in hiring would be well advised to consider the significant number of applicants who have experienced, or who perceive themselves as having experienced, discrimination. It is essential that any firm committed to diversity ensure that the hiring process is free from bias. But, conscientious firms might take further steps to actively engender confidence in the firms' commitment to diversity and fairness in hiring. Trust is a necessary predicate to a mutually satisfying employment relationship; these survey results indicate that the legal field must improve the quality of the earliest stages of that relationship.

2. Discrimination Experienced at Current Place of Employment

How do Latino lawyers feel about the climate at their *current* place of employment? Ethnic discrimination was the most common form of discrimination experienced by Latino lawyers at their current place of employment (14.5%), followed by gender discrimination (9.0%), and age discrimination (3.1%). While the difference in income between Latinos and Latinas is great,¹⁰⁸ the percentage of those who experience gender discrimination is a relatively low 9.0 % (Table 5).

¹⁰⁸ See *supra* Figure 14, p. 52 and *infra* Figure 15, p. 59.

Table 5 — Discrimination Encountered by Survey Respondents at Their Current Place of Employment

Discrimination	% of Respondents
Ethnic	14.5
Gender	9.0
Age	3.1
Sexual Orientation	1.0
Disability	0
Felt Unwelcome	6.6
Other (unspecified)	7.6
None	40.5
Not Applicable	28.0

Again, a large number — over 40% of all survey respondents — reported experiencing *no discrimination at all* at their current place of employment. While this finding is important, respondents' reports show differences in discrimination in the other categories when their experiences in their first job search are compared with experiences at their current positions. The survey reveals that respondents reported fewer encounters with discrimination after they had moved beyond their first job searches. As discussed earlier, the high frequency of discrimination reported in the respondents' first foray into the legal market could be, at least in part, a function of the high level of uncertainty and anxiety that first-time job seekers commonly experience.

Further investigation may also reveal whether there is some correlation between the era during the respondents' first job searches and their experiences with discrimination during those searches. It is plausible that a person may have encountered no discrimination at all in their current position in 2000, but experienced bias on their first job search in 1975 when there were fewer minorities in the profession and less commitment by law firms to increasing diversity in their ranks. Additionally, the factors of experience and network-building may help to explain why there were fewer reports of discrimination in the respondents' current employment situations. Those surveyed may have had time to build their professional relationships before looking for other employment, and relied on their networks to find workplaces that were *friendlier* — or at least not discriminatory.

In light of the discussion thus far, which has examined the motivations that led Latino lawyers to their current positions, the income that they earn, and the obstacles that they encounter on the job, it might be

interesting to know just how satisfied the survey respondents are with their careers. Furthermore, it can be beneficial to determine whether there are gender differences in the perception of satisfaction. The following section addresses these questions.

H. Job Satisfaction

Satisfaction is often a matter of expectations. Great feats may be accomplished. Yet, they may leave those who performed them unfulfilled if the expectations they had set for themselves remain unmet. When asked whether their current positions meet their career expectations, 49.5% of all survey respondents answered affirmatively, whereas 44.3% responded negatively (Table 6).

Table 6 — Fit Between Survey Respondents' Current Positions and Career Expectations While in Law School

Does your current position fit your career expectations?	%
Yes	49.5
No	44.3
No answer	6.2
TOTAL	100.0

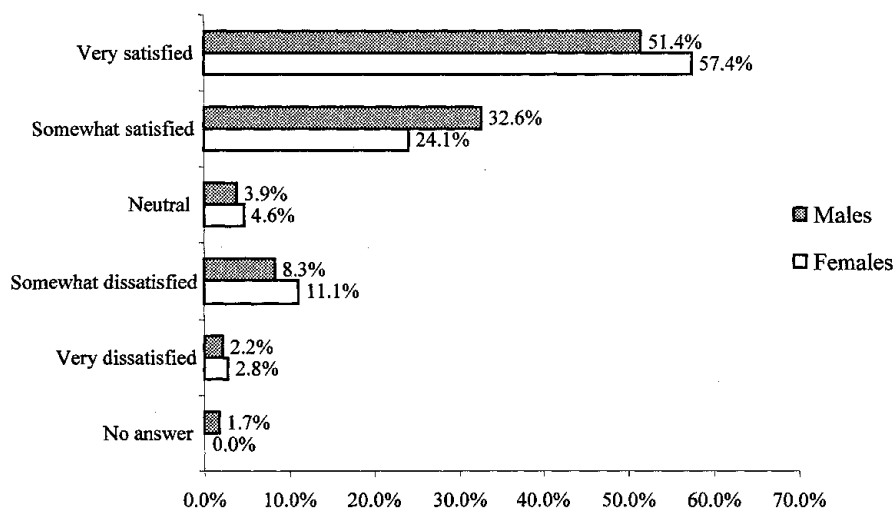
This lack of fit between career expectations and current practice does not necessarily mean that the survey respondents are disappointed with their employment. Indeed, when original expectations are not met, people often assess what they have accomplished and find great fulfillment in these accomplishments instead. A professional career, though greatly satisfying, may have evolved differently than expected. In my own case, I did not expect to be a law professor or a California Supreme Court Justice. This pattern of changed expectations seems to hold true for many Latino lawyers.

Of all those survey respondents who indicated a lack of fit between career expectations and current position, 83% expressed satisfaction at their current employment (Figure 16). Among these, 53.6% were very satisfied, while 29.4% were somewhat satisfied. Only 11.7% expressed some dissatisfaction, whether strong or moderate. This result is consistent with a recent study of the Chicago bar.¹⁰⁹ That study found that 84% of all Chicago lawyers report being satisfied to very satisfied with their jobs. Only 6.6% of the Chicago bar expressed being

¹⁰⁹ Heinz et al., *supra* note 35, at 36.

dissatisfied or very dissatisfied. Other studies have yielded similar results.¹¹⁰ In any survey of this kind, self-selection plays a role. In this study, it no doubt helps to paint a rosier picture of lawyerly satisfaction because dissatisfied Latino lawyers may well have left the bar, leaving those who were most satisfied to respond to our survey. While recognizing this limitation, this study of the existing Latino bar shows moderate to strong job satisfaction among a group of lawyers diverse in age, gender, and experience.

Fig. 15 – Survey Respondents' Satisfaction with Their Current Positions



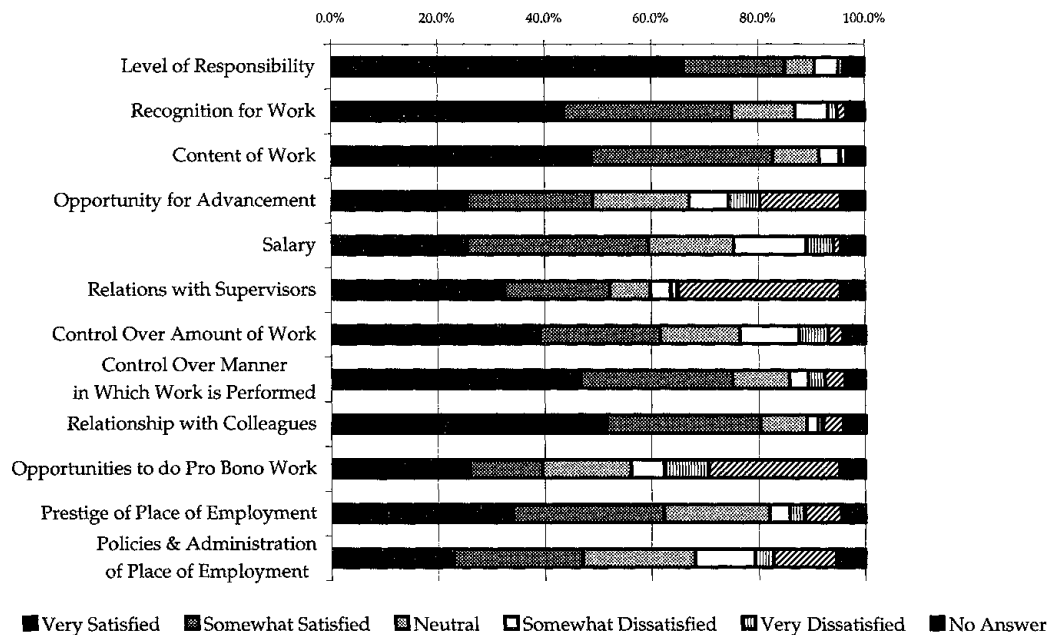
For job satisfaction, however, there were some notable differences in the survey responses by gender (Figure 15). Men reported moderate to strong satisfaction rates more frequently than women (84.0% versus 81.5%, respectively). But, more women than men reported being the most satisfied (57.4 versus 51.4%). The reverse is true for the “somewhat

¹¹⁰ A 1991 study of Toronto lawyers found that 79% of men and 78% of women were either satisfied or very satisfied with their careers. See JOHN HAGAN & FIONA KAY, *GENDER IN PRACTICE: A STUDY OF LAWYERS' LIVES* 169 (1995). A 1987 study of Minnesota law graduates found that 95% of men and 91% of women said that they were satisfied or very satisfied with their careers. See Paul W. Mattessich & Cheryl W. Heilman, *The Career Paths of Minnesota Law School Graduates: Does Gender Make a Difference?*, 9 *LAW & INEQ. J.* 59, 95 (1990). And, a 1994 New York Law Journal survey found that 82% of New York lawyers reported being very or somewhat satisfied with their careers. See Edward A. Adams, *Legal Career Exact's Steep Personal Price*, N.Y. L.J., Feb. 7, 1994, at 1.

dissatisfied” category: 11.1% of women gave this answer, compared to 8.3% of men. However, despite some disparity, the overall differences between the responses of men and women were not great.

The survey respondents were asked to rank their level of satisfaction with various aspects of their positions on a scale of one to five, with each number representing the following: 5 = very satisfied; 4 = somewhat satisfied; 3 = neutral; 2 = somewhat dissatisfied; and 1 = very dissatisfied. Twelve separate categories were selected for the respondents to rank: (1) level of responsibility, (2) recognition for work, (3) content of work, (4) opportunity for advancement, (5) salary, (6) relations with supervisors, (7) control over the amount of work, (8) control over the manner in which work is performed, (9) relationships with colleagues, (10) opportunities to do pro bono work, (11) prestige of your place of employment, and (12) policies and administration of your place of employment. Figure 16 shows how the survey respondents ranked these twelve categories.

Fig. 16 — Survey Respondents’ Level of Satisfaction with Various Aspects of Their Work



The respondents reported being most satisfied with their level of responsibility (mean = 4.5), their relationship with colleagues (mean = 4.4), and the content of their work (mean = 4.3). Next, in order of satisfaction, respondents rated as more satisfactory relations with supervisors and control over the manner in which work is performed (mean = 4.2 for both), recognition for work (mean = 4.1), and prestige of place of employment (mean = 4.0). The last five categories ranked lowest among all survey respondents. The Los Angeles Latino lawyers were most unhappy with three categories: (1) their lack of control over the amount of work; (2) their lack of opportunity to do pro bono work; and (3) the policies and administration of their place of employment. There is clearly some overlap among these categories. The lack of opportunities to do pro bono work causes the greatest dissatisfaction among lawyers as a whole.¹¹¹ Lawyers report being the most satisfied when they can make a difference in other people's lives.¹¹² Consequently, an inability to give of one's time to help others creates a greater sense of professional disappointment.

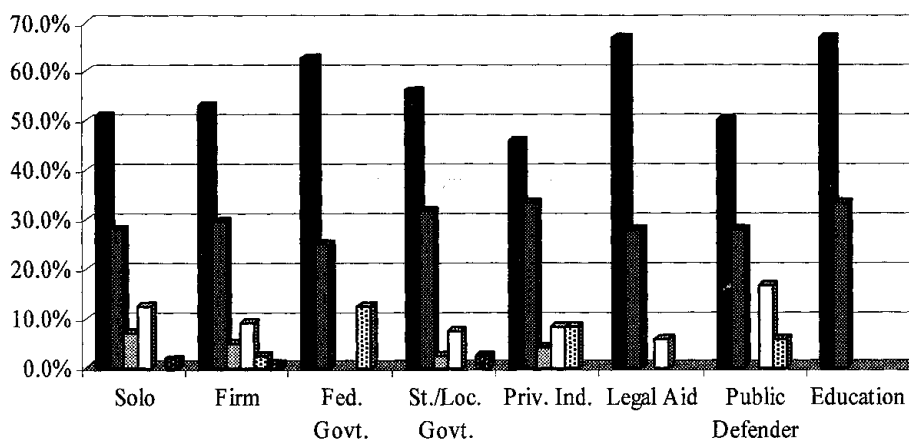
Does the high overall level of satisfaction among all Latino lawyers remain consistent when we evaluate their levels of satisfaction across practice settings (Figure 17)? Lawyers working in academia appear to be the most satisfied with their current positions: 100% expressed satisfaction with their employment. However, the sample was rather small (N = 3) and the results may not be relied upon with a great degree of confidence.

The most satisfied survey respondents are those working in legal aid or government agencies. Of those lawyers working in legal aid agencies, 94.4% expressed varying degrees of job satisfaction, while only 5.6% of them expressed dissatisfaction. Over 87% of the lawyers working for the local, state, or federal governments said they are either very satisfied or somewhat satisfied with their current positions. The survey respondents expressing the lowest levels of satisfaction are those working in law firms (82.3% very or somewhat satisfied), in private industry (79.1%), as solo practitioners (79.0%), or as public defenders (77.8%). Public defenders also express the highest levels of dissatisfaction (22.3% very or somewhat dissatisfied), followed by those lawyers working in private industry (16.6%).

¹¹¹ Rhode, *supra* note 30, at 7.

¹¹² See *supra* Part II.B.

Fig. 17 — Survey Respondents' Satisfaction with Their Current Employment by Practice Setting



■ Very satisfied ■ Somewhat satisfied ■ Neutral □ Somewhat dissatisfied ■ Very dissatisfied ■ No answer

What explains the satisfaction levels expressed by those survey respondents working for government and legal aid agencies? Many of the lawyers surveyed stated that they work in their current positions primarily because of personal choice. In fact, 100% of all lawyers working for the federal government indicated that personal preference determined their career path, and 75% of those respondents ranked idealism and social consciousness as the next most important factors. As many as 80.5% of lawyers holding state and local government positions also indicated that personal preference was a determining factor in their choice of work. While acknowledging the effect of self-selection, the survey results are a useful indicator of the factors leading to job satisfaction of Latino lawyers.

Lawyers working for legal aid agencies responded similarly to state and local government lawyers: 83.3% cited personal preference, and 75% cited idealism and social consciousness as the most important factors. It appears that holding a position because of personal choice and ideology brings lawyers a greater sense of fulfillment and accomplishment, contributing to their heightened sense of job satisfaction. Generally, lawyers commonly report that helping clients and "making a difference" in others' lives provides the most gratification and fulfillment.

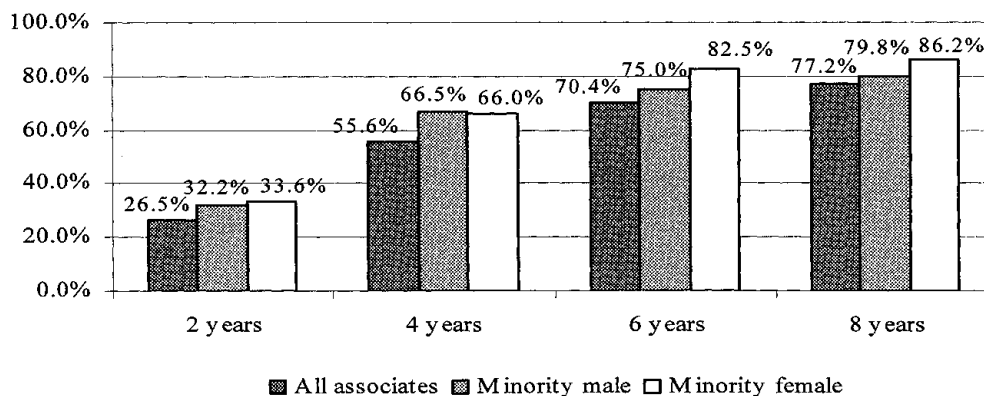
Although there are some differences in the job satisfaction levels of lawyers in various practice settings, one conclusion is clear. A substantial majority of members of the Latino bar in Los Angeles are

satisfied with their current position. It should also be noted that satisfaction rates ranged from 77.5% to 100%, regardless of practice setting.

I. Attrition

Despite the high levels of job satisfaction reported by the survey respondents, lawyer attrition remains an issue at almost all large corporate law firms. However, attrition rates appear highest among minority lawyers. One of the survey respondents, a forty-one year old male partner at a small firm observed: "Despite years of 'progress' we are not being afforded opportunities to succeed at major corporate law firms. The few Latinos who enter the practice (mostly from highly prestigious law schools) invariably leave prior to making partner." A thirty-one year-old female associate at a mid-size law firm echoed this sentiment: "We have a rich network here in L.A., but I'd like to see more big firm partners. It seems you have to leave the firm to get ahead in your career. . . ." These statements illustrate what appears to be a substantial problem among minority lawyers in general. While minority membership in the bar has increased in recent years, law firm associate rates do not remain high for minority members, likely as a result of the higher attrition rates (Figure 18).

Fig. 18 — Attrition Rates Among Law Firm Associates¹¹³ —
Percentage of Associates Hired Between 1988 and 1996 Who Left Their
Positions



¹¹³ Jeffrey Ghannam, *Making Diversity Work: Law firms Must Explore Innovative Strategies to Enhance Opportunities for Lawyers of Color*, 87 A.B.A. J. 58, at 64 (2001) (citing surveys by National Association for Law Placement). NALP research is only concerned with large law firms.

Notwithstanding that the data presented in Figure 18 depicts only a "minority" category and not a "Latino" category, these statistics usefully identify a greater rate of attrition among minority associates than among all associates combined. Figure 18 also indicates that minority women associates have the highest rate of attrition. This trend is consistent with other scholarship that examines the status of minority women in the profession.¹¹⁴ Female attorneys of color tend to encounter comparatively greater obstacles to professional success, and they are often less satisfied with their professional opportunities than their male and white female counterparts.¹¹⁵

The ABA Commission Report shows that minorities in law firms feel isolated from internal social networks and have difficulty finding mentors.¹¹⁶ According to the Commission Report, this lack of access to mentors within law firms is a major contributing factor to the high attrition rates among minority associates.¹¹⁷ Mentors are key to the professional development of young lawyers, in general, and are essential to the development of minority lawyers, in particular. The absence of mentors is a self-perpetuating problem: the associates leaving firm practice reduce available, potential mentors to new, minority associates. Ensuring that young, minority lawyers have access to mentors at their firm may decrease the attrition rates, and, thus, increase the retention of minority lawyers at larger firms.

Increasing diversity within firms will likely prevent attrition among minority lawyers. Diversity creates a feeling of being welcome at a firm. Firms that hire more minority lawyers express to a minority lawyer the firm's commitment to diversity. Moreover, firms that create opportunities for minority lawyers to advance through firm ranks, to handle key matters, and to develop business assist in decreasing the attrition rate. Minority lawyers must be convinced that they have a future at their firm.¹¹⁸ A forty-four year-old solo practitioner who responded to our survey was not convinced that she had such a future at the firm where she practiced before striking out on her own. She explained: "I left my firm 2 ½ years ago because there was no partnership track, bonuses for exceeding billable hour limits, or incentives for merit. There was nowhere to go in the firm."

¹¹⁴ Rhode, *supra* note 30.

¹¹⁵ Rhode, *supra* note 30, at 15.

¹¹⁶ MILES TO GO, *supra* note 10, at 7.

¹¹⁷ *Id.*

¹¹⁸ Ghannam, *supra* note 113, at 61.

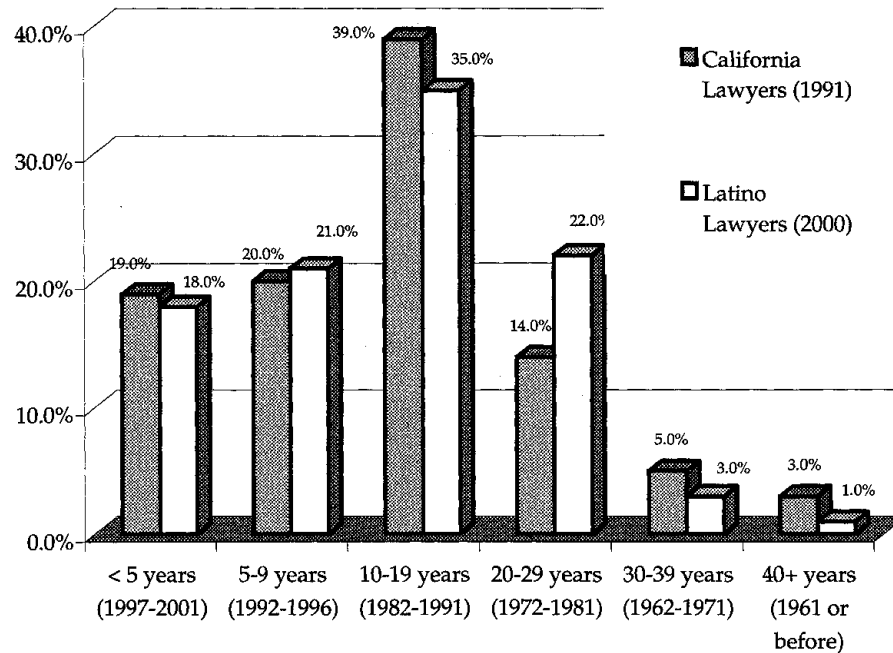
As corporations insist on diversity among their lawyers, and as Latino businesses become more financially successful, the large corporate law firms will need to change if they hope to retain their client base. Increasing the number of Latinos graduating from law school is an important and necessary step in creating a more diverse profession. Yet, firms, like law schools, must move more towards accepting a critical mass of Latinos so that diversity can flourish.

J. Years in Practice

Despite the high rate of attrition among corporate law firm Latino associates, it is important to reiterate that, according to the survey results, most Latino lawyers are satisfied with their current positions. It is also important to note that those associates who leave law firms do not necessarily leave the profession. Some open their own solo or small firm practice, others may work for other law firms or for corporations, and some simply leave private practice for legal positions in government or legal services. As a result, it is not uncommon to find Latino lawyers who have been members of the bar for over twenty, thirty, or even forty years. Figure 19 presents the survey's findings on the duration of the careers of Latino lawyers and compares those findings to the longevity of the careers of California lawyers as a whole.¹¹⁹

¹¹⁹ RUSSELL & WILLIAMSON, *supra* note 19, at 37.

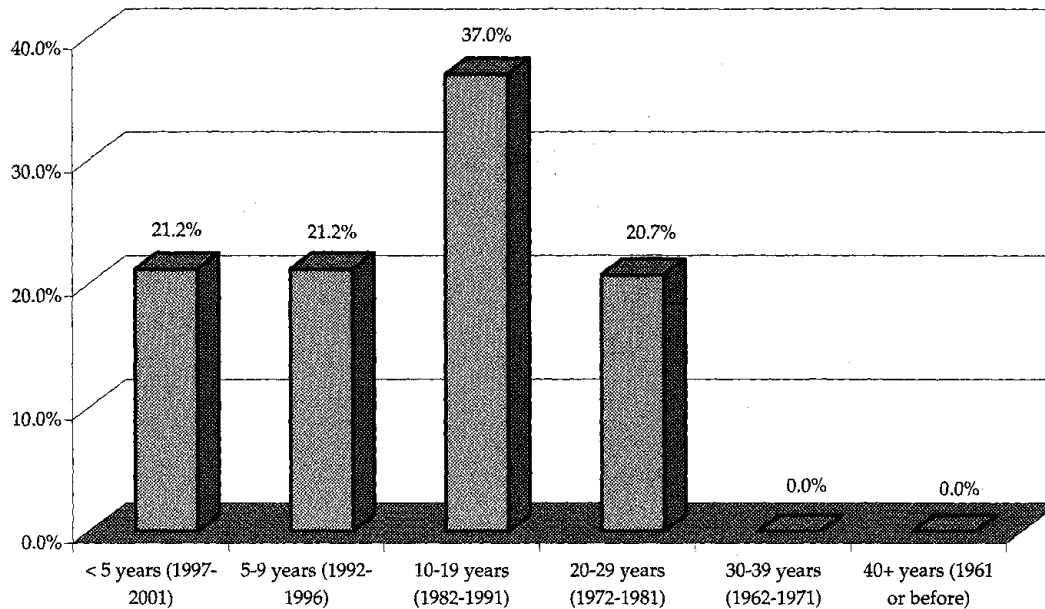
Fig. 19 — Percentage Distribution of Lawyers by Years in Practice Since First Admitted to the Practice of Law¹²⁰



For most years in practice, our survey of Los Angeles Latino bar members produced a frequency similar to California bar members. Our study noted a significant difference, however, among the “20 to 29” years in practice group. Fourteen percent of all California lawyers are in this category, compared to 22% of Latino lawyers in Los Angeles. This category represents lawyers who were first admitted to the practice of law between the years 1972 and 1981. This pattern may be explained by affirmative action: law schools began admitting Latinos in greater numbers starting in the 1970s in response to affirmative action programs. This is confirmed by Figure 20, which shows the percentage of survey respondents who consider themselves beneficiaries of affirmative action in law school admissions, by the number of years that they have been admitted to practice.

¹²⁰ See *id.* (providing California statistics).

Fig. 20 — Survey Respondents Who Were Beneficiaries of Affirmative Action by Years in Practice



No survey respondents who started practicing in the 1950s or 1960s — “30 to 39” and “40 or more” years in practice — considered themselves to be beneficiaries of affirmative action in law school admissions. However, starting in the 1970s through the 1980s, the percentage drastically increased from zero in the “30 to 39” of the 1960s to almost 37% in the “10 to 19” category of the 1980s. The accessibility of a professional education, thanks to affirmative action and similar programs, encouraged many Latinos to apply to law schools starting in the 1970s, thus explaining the greater number of Latino lawyers who entered practice throughout the 1970s and 1980s.

However, since the early 1990s, the percentage of minority law students has decreased. Survey respondents who began practicing in the 1990s consider themselves beneficiaries of affirmative action at a lower rate than those who started in the 1980s (21.2% versus 37%). Recent, successful challenges to affirmative action programs in California may explain this decrease.¹²¹

Being a Latino lawyer in Los Angeles County in the twenty-first century presents many challenges. However, our analysis thus far indicates that Latino attorneys have made great headway in the

¹²¹ For further discussion, see *infra* Part III.A.

profession, and that there is much reason for even greater progress in the future. The following part provides a quick overview of what has motivated Latinos to choose law as their profession.

III. BECOMING A LATINO LAWYER IN LOS ANGELES COUNTY

A likely indicator of progress for Latino lawyers in the past forty years has been equal access to education. Certainly, affirmative action may have contributed most to the increased presence of minorities in institutions of higher learning. However, within the last thirty years, efforts to prevent affirmative action programs seem to present a challenge to the next generation of minority scholars. Thus, because many of the survey respondents were likely beneficiaries of affirmative action programs, our study inquired into their views about this program. This part also examines the impact of affirmative action measures on current Latino law school enrollment, the nature of the law schools that more recent graduate respondents have attended, and their bar examination passage rates.

A. Affirmative Action

Until 1997, traditional affirmative action programs had some success at increasing the numbers of Latinos and other persons of color graduating from California's public institutions of higher learning.¹²²

¹²² Even at its peak, however, affirmative action never fully achieved graduating classes that reflected California's large Latino population. In 1994, the year prior to the passage of SP-1 (the University of California policy that limited affirmative action in admissions), Latinos made up a combined 12.4% of the first-year student enrollments at all four UC law schools. This figure was calculated from the raw data on applications, admissions, and enrollments at the four UC law schools, available at: <http://www.ucop.edu/acadadv/datamgmt/lawmed/>. In contrast, Census records show that Latinos made up 28.6% of California's population that same year. See U.S. Census Bureau, *Population Estimates for States by Race and Hispanic Origin* (1994), available at <http://www.census.gov/popest/archives/state/srh/srh94.txt>.

For a national perspective, see Margaret M. Russell, Symposium: *Representing Race: Beyond "Sellouts" and "Race Cards": Black Attorneys and the Straightjacket of Legal Practice*, 95 MICH. L. REV. 766, 767-68 (1997). Russell explains that "minority attorneys still suffer from severe underrepresentation in the legal profession." *Id.* at 767. She further states that:

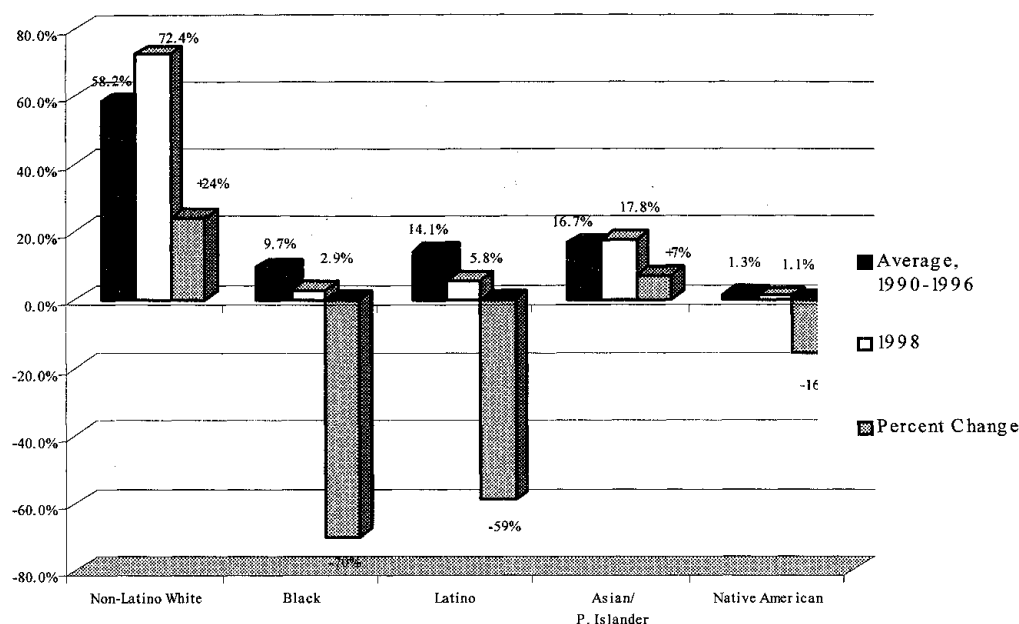
At the beginning of this decade, Blacks, Asian Americans, Latinos and Latinas, and Native Americans comprised only twelve percent of the nation's law students, less than eight percent of lawyers, eight percent of law professors, and two percent of partners at the nation's largest law firms. When compared with the overall percentage of people of color in the national population — approximately twenty-five percent — these paltry figures illustrate the extent to which attorneys of color are still very much a token presence in the legal system.

Beginning in 1995, the gains that traditional affirmative action measures had achieved were sharply curtailed by successful political attacks. California's public law schools have needed to accept low minority student enrollment in the wake of measures such as Proposition 209 and the University of California's SP-1 directive.¹²³ Indeed, as the following discussion and Figure 21 indicate, the number of persons of color admitted to law school has decreased substantially since these anti-affirmative action policies were enacted.

Id. at 767-68.

¹²³ Proposition 209 prohibited affirmative action in all of the state's public institutions of higher education. Proposition 209 stated that the state "shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting." See CAL. PROP. 209 (1996). Proposition 209 has been interpreted as making affirmative action unconstitutional in the State of California for school admissions, public employment, and public contracts. *Id.* As a result, many public institutions eliminated programs previously characterized as permissible affirmative action measures. *Id.*

SP-1, the resolution adopted by the Regents of the University of California in 1995, provided a new admissions policy barring the "use of race, religion, sex, color, ethnicity or national origin as a criterion for admission to the university or any program of study." See Facts about the University of California Office of Strategic Communications, *SP1 and SP 2*, at <http://www.ucop.edu/ucophome/commserv/factsheets/sp1and2.pdf> (last modified May 2001). This policy was interpreted by the University of California as a ban on traditional affirmative action measures and resulted in the dismantling of affirmative action programs throughout the University of California system. SP-1 was repealed in May 2001. However, Proposition 209, which is now part of the California Constitution, remains the law of the state and continues to be broadly interpreted. It is important to note that textually, Proposition 209 is less restrictive than SP-1. The repeal of SP-1 may provide the University of California with more flexibility to implement admissions policies that do not result in the disproportionate exclusion of Latinos and other persons of color. The Regents of the University of California, Policy Ensuring Equal Treatment Admissions (SP-1), available at <http://www.universityofcalifornia.edu/regents/policies/sp1.html> (last visited May 21, 2005).

Fig. 21 — Effects of SP-1 on Enrollment at the UCLA School of Law¹²⁴

In 1997, the first year after the elimination of affirmative action at professional and graduate schools, the University of California law schools saw first-year enrollments of African-Americans and Latinos plunge.¹²⁵ A comparison of the average number of Latinos enrolled at the UCLA School of Law in the four years prior to 1996 with the average number enrolled since 1996 shows a decline of over 42%.¹²⁶ Considering that the UCLA School of Law is the only public law school in Los Angeles County and in Southern California, and the institution from which nearly a quarter of all survey respondents graduated, this decrease in enrollment is even more troubling. Moreover, 37.4% of all survey respondents attended University of California law schools¹²⁷ and 40.1% attended public law schools.¹²⁸ The elimination of affirmative

¹²⁴ LOS ANGELES COUNTY BAR ASS'N, COMMITTEE ON DIVERSITY IN THE PROFESSION, DIVERSITY IN THE LEGAL PROFESSION IN LOS ANGELES COUNTY: REPORT AND RECOMMENDATIONS 5 (1999) [hereinafter DIVERSITY REPORT].

¹²⁵ MILES TO GO, *supra* note 10, at vi.

¹²⁶ This Figure is calculated from the raw data available at <http://www.ucop.edu/acadv/datamgmt/lawmed> (last visited Apr. 20, 2005). Enrollment data is only available through the 2002 school year.

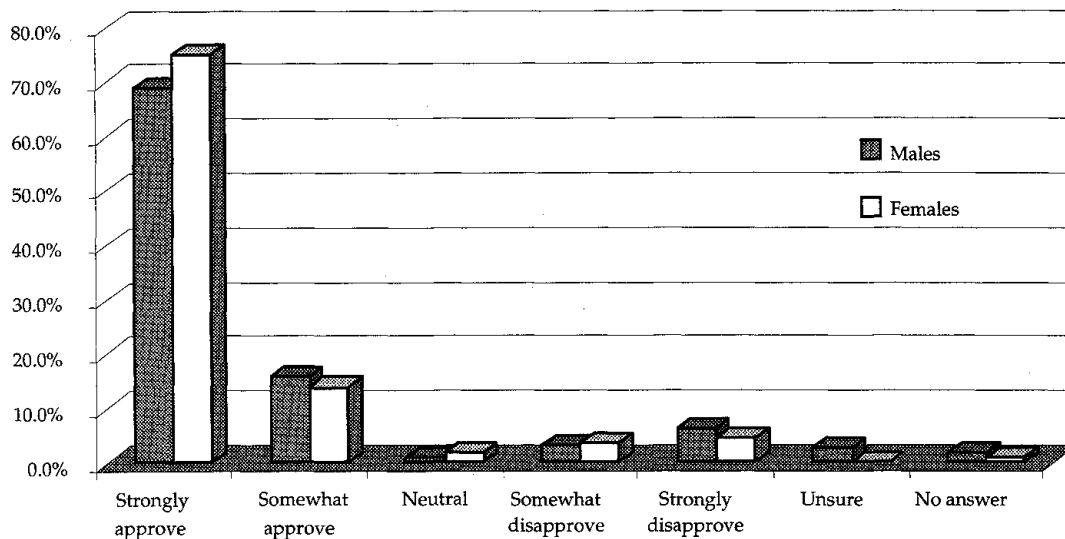
¹²⁷ University of California law schools include the law schools at U.C. Berkeley (Boalt Hall), U.C. Davis, U.C. Hastings College of the Law, and UCLA.

¹²⁸ See *infra* Figure 25, p. 78.

action among public law schools, which has drastically reduced the number of Latino law students, will further curtail entry into the profession by Latinos. The ideal of having a bar whose members can serve Californians of all racial, ethnic, and linguistic groups will be even more difficult to attain.

Importantly, what, then, are Los Angeles Latino lawyers' thoughts about affirmative action (Figure 22)? Of all the members of the Latino bar who responded to the survey, 86.5% approve of some form of affirmative action. A very large percentage of survey respondents (71.3%) stated that they strongly approve of affirmative action in law school admissions. Another 15.2% expressed moderate approval of affirmative action measures. On the other hand, only 9% expressed any level of disapproval of affirmative action, whether strong or moderate. A very small percentage were neutral (1.4%), were unsure (1.7%), or did not answer at all (1.4%).

Fig. 22 — Approval of Affirmative Action among Survey Respondents¹²⁹



Not surprisingly, the greatest support for affirmative action in law school admissions comes from Latino lawyers who perceive themselves

¹²⁹ Figure 22 charts the survey respondents' answers to the following question: "Are you in favor of affirmative action in law school admissions as permitted by *Bakke*?" (Affirmative action is defined as taking characteristics of race, ethnicity, and gender into account, together with other factors.)

to have been beneficiaries of affirmative action when they attended law school (Figure 24). Overall, the majority of survey respondents (88.2%) stated that they considered themselves to be beneficiaries of their law school's affirmative action (or similar) program (Figure 23). Only 10.8% said that they did not consider themselves beneficiaries. Regardless of beneficiary status, a high number of both groups supported, either strongly or somewhat, affirmative action programs: 95.1% of those who claimed to have been benefited compared with 68.5% of those who reported not benefiting (Figure 24). On the other hand, only 2.7% of those respondents who benefited from affirmative action disapproved of it, compared to 20% of those who did not benefit from it.

Fig. 23 — Survey Respondents Who Consider Themselves Beneficiaries of Their Law School's Affirmative Action Program

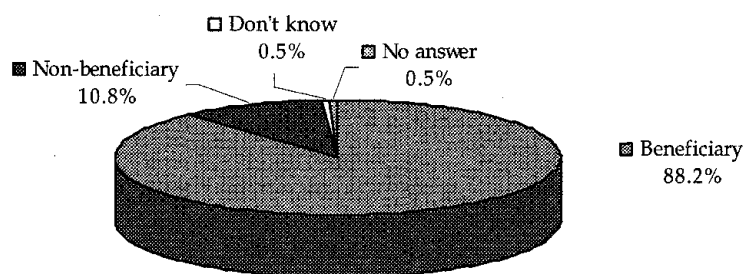
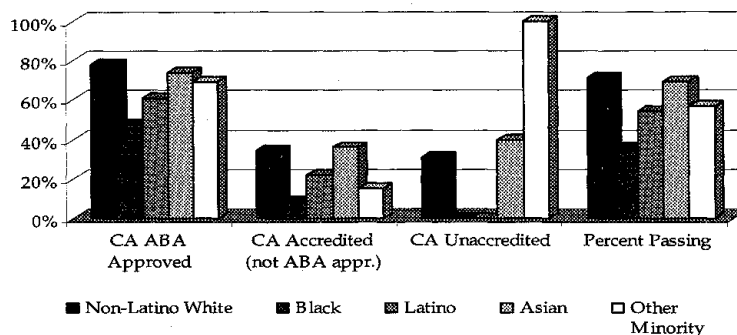


Fig. 24 — Approval of Affirmative Action Among Survey Respondents, by Beneficiary Status¹³⁰



There are many different ways to interpret this data. The simplest way to explain our data is that those who benefited from affirmative action believe that it truly helped them in their careers and, therefore, see its potential to benefit others who are similarly situated. A fifty year-old female working as corporate counsel in private industry had this to say when asked why she approved of affirmative action: "I am the product of affirmative action and I'm proud of it. Such programs gave me many opportunities I might not otherwise have had. I was lucky enough to have been able to take advantage of the programs and become successful professionally and financially."

However, the opposite can be said for many of those who did not benefit from affirmative action: they were able to succeed without it, and, thus, they feel that everyone else can as well. For example, a Latina partner at a large firm who disapproves of the measure explained her position by stating: "I put myself through undergrad through my own efforts. I obtained a fellowship for law school based upon my personal and academic record. I believe in self improvement and want to see my fellow minorities get merit based on their own efforts — it can and is done." A more pragmatic rationale was provided by a young, female solo practitioner: "We need to help ourselves, because when we leave college the world does not lower its standards to compete and [neither] should we." Tables 7 and 8 list other commonly cited explanations either in support or disapproval of affirmative action in law school

¹³⁰ In trying to determine whether there are any clear patterns regarding approval of affirmative action measures, the data was analyzed by age. No clear patterns emerged from such an analysis, leading to the conclusion that there is no correlation between age and approval of affirmative action.

admissions.

Table 7 — Reasons Survey Respondents Approve of Affirmative Action¹³¹

Reason for Approval of Affirmative Action	%
Need to "level the playing field"	31.2
Opportunity to prove yourself despite prior educational disadvantages	20.0
Need for diversity in law schools	15.6
Test scores do not measure qualifications	15.2
Profession needs to reflect the community it serves	12.4
Respondent is a beneficiary of affirmative action	7.6
Opportunity deserved b/c of obstacles overcome as a minority	6.0
Socio-economic disadvantages	3.6
Need for role models in the Latino community	3.2
Equal access to public schools is a right	1.2
Other	10.0

Table 8 — Reasons Survey Respondents Disapprove of Affirmative Action¹³²

Reason for Disapproval of Affirmative Action	%
Law school admissions should be based on merit	50.0
Minority students need to learn to compete	38.5
Stigma associated with affirmative action	11.5
Need for better education earlier in life instead	11.5
Emphasis should be placed on socio-economic disadvantage	7.7
Other	7.7

A young Latina working for the Office of the Federal Public Defender made a compelling argument in favor of the need for diversity in the legal profession. She argued:

People of color still face enormous obstacles in attaining the types of credentials that are deemed passes to elite . . . academic institutions, whether it be simple lack of information about what you need on your academic resumé, the support to excel academically without the immediate support of family, or the economic resources to take supplemental preparatory courses, study abroad, etc. And yet, as lawyers, our voice is an essential one. We are able to contribute in ways that our Anglo colleagues are simply unable to. Our essential

¹³¹ These statistics only include the responses of those survey respondents who expressed approval of affirmative action, whether strong or moderate.

¹³² These statistics only include the responses of those survey respondents who expressed disapproval of affirmative action, whether strong or moderate.

biculturalism allows us an understanding of people and [of] the dynamics of power that [are] invaluable as an attorney. Without affirmative action, our presence in the profession, and necessarily our community, will suffer.

The point she makes is exactly what elected district attorneys and elected and appointed public defenders have long told me: the administration of justice requires diversity among the legal staff. Only when attorneys of color find themselves in the offices of public defenders and district attorneys in greater numbers can the system of administration of justice enjoy or deserve to enjoy the confidence of those caught up in it.

It is striking that of those 9% who expressed some disapproval of affirmative action, only 11.5 % cite "stigma" as a concern. This represents only about 1% of all the survey respondents. Yet, as I read and hear the arguments against affirmative action, the danger of "stigma" is among the most mentioned.

B. *Motivation to Go to Law School*

Young people are often inspired to become lawyers by their role models, whether they are family members, family friends, mentors, or acquaintances. That so few Los Angeles Latino lawyers mentioned the importance of role models to themselves highlights the relatively low number of Latino lawyers in Los Angeles, and the need for those who practice in Los Angeles to be more active in the community so that young people can learn about the legal profession. Recently, I spoke to a group of high school students as part of a California Bar Foundation program. Among them was a Latino student from Los Angeles. During the question and answer period, he shared with us that he had never met a Latino lawyer. Later, the officials told me that, after hearing from a Latina judge and myself, he advised the group leaders that he hoped to become a lawyer.

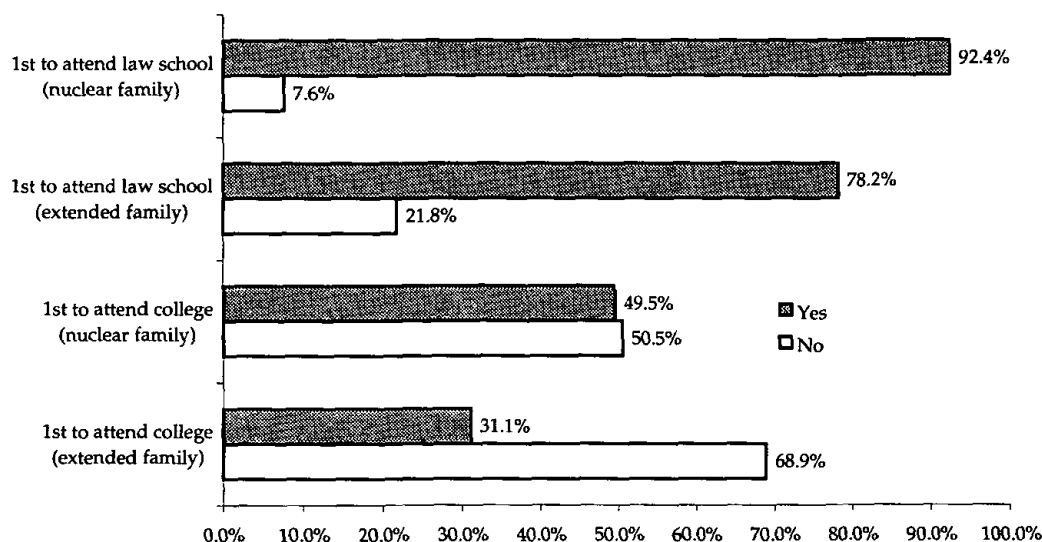
The need for role models¹³³ in the Latino community is further underscored by the survey results reporting on why a Latino chose to pursue law school (Figure 25). Our survey asked respondents to explain their motivations for going to law school. As stated, role models did not figure prominently in reports by our respondents.

Over 92% of all survey respondents reported being the first in their immediate family to go to law school, while 78.2% said that they were the first in their extended family to do so. This data may indicate a lack

¹³³ See *infra* Tbl. 9, p. 79.

of mentoring within legal academe, which may deter a Latino from attending law school. In comparison, fewer survey respondents reported being the first in their families to graduate from college. Approximately half of all survey respondents reported being the first to attend college in their immediate family. Slightly less than one-third said that they were the first in their extended family to attend college.

Fig. 25 — Survey Respondents First in Their Family to Attend Law School/College



Of course, relatives are only one source of role models. Others may provide the encouragement and inspiration young people need when choosing a legal career. However, regardless of who the respondents' role models were or how many role models a respondent may have had, these were less significant than other factors in determining the respondents' decision to go to law school. Indeed, only 6.2% of respondents identified role models as motivational factors in their decision to pursue a legal education. Table 9 indicates that several other factors were more predominant in why a respondent pursued law school.

Table 9 — Survey Respondents' Motivation to Go to Law School¹³⁴

Motivation	%
Idealism / Changing society	47.1
Pragmatism (career opportunities, financial security, etc.)	28.7
Respect / Prestige	12.8
Parental desire	12.5
Interest in the law	11.4
Skills appropriate for the legal field	8.3
Role models	6.2
No idea	4.8
Intellectual challenge	4.5
Power and money	4.2
Encouragement from others	3.8
Media (movies, television, books)	3.1
No answer	4.2

Other factors that respondents frequently cited are those types of factors that influenced the respondents in a more individual way. Nearly half of all respondents (47.1%) stated that they pursued a legal career for idealistic and altruistic reasons, such as wanting to change society.¹³⁵ Over a quarter expressed having been motivated by such pragmatic factors as the desire for greater career opportunities, financial security, and the like. About 13% were motivated by a desire to be respected and to have a prestigious position in society, while 11.4% cited a general interest in the law. Slightly more than 12% identified their parents' desires for them to go to law school — or professional school, in general — as a factor in their decision to pursue a legal education. Finally, other factors the survey respondents reported included skills appropriate for the legal field (8.3%), intellectual challenge of a legal education (4.5%), desire for power and money (4.2%), encouragement from friends, teachers, and others (3.8%), and the media (3.1%). A small percentage (4.8%) confessed to not having any idea why they decided to go to law school. This is not uncommon. Every year, law schools admit students who applied because they did not know what else to do after graduating from college.

Latinos who attend law school reflect an affirmative decision to do so. Most are first in their families to enroll, and the motivation to do well is great. These survey results confirm my own experience and that of my

¹³⁴ The respondents were given a general question: "What motivated you to go to law school?" Written responses were analyzed and fell into the categories listed in Table 9. Had the question referred specifically to role models, that category may have been more robust. However, the low figure is of concern.

¹³⁵ See *supra* Part II.B.1.

contemporaries.¹³⁶ A random inspection of survey responses found explanations such as: "Thirst for justice, racial discrimination, being challenged by many who implied I could not do it," and "My strong interest in the law and to help others less fortunate. Also, to be a role model to my siblings and other Latino students." Indeed, when I was young, I attended a segregated grammar school and saw many incidents of ethnic discrimination.¹³⁷ We were a family of farm workers, and, of my five brothers and five sisters, I was the first to attend college. The desire to ameliorate the unfair practices I saw in my community was one important factor in my decision to go to law school.

Fortunately, Latino representation among law students nationally has increased from 2.2% in 1976 to 5.8% during the 2001-2002 academic year.¹³⁸ This increase bodes well for the future of practicing Latino lawyers because it will likely lead to an increase in networking and mentoring opportunities. Moreover, more graduating law students lead to increases each year in the number of Latinos joining the bar. This increase results in more role models, who will become available to the younger generations still in college, high school, and even elementary school. Attorney role models may prove to be a more powerful influence on young Latinos, by dramatically impacting future growth of Latinos in the profession. The greater number of Latino law students every year can also have a very positive influence on younger Latinos

¹³⁶ Every one of the Latino lawyers practicing when I graduated from law school was involved in the community and active in what we now call "social justice" issues. In San Francisco, for example, attorney Louis Garcia represented the poor and middle class as well as the wealthy. He was active in politics and belonged to several organizations seeking to better the employment, housing, and educational opportunities of Latinos. He was appointed as the first Latino judge in San Francisco. A more recent example is Jose Padilla, long time director of California Rural Legal Assistance, who has practiced for nearly a quarter of a century. He became a lawyer to serve the rural poor, mostly Latino, in his native town of Imperial County, California.

¹³⁷ The segregation of Mexican Americans in California's schools was ended by the ruling in *Mendez v. Westminster School District*, 64 F. Supp. 544 (S.D. Cal. 1946). See Richard Delgado, *Derrick Bell Lecture: Derrick Bell's Toolkit — Fit to Dismantle That Famous House*, 75 N.Y.U. L. REV. 283, 292-93 (2000) (discussing *Mendez v. Westminster School District*); see also CHARLES M. WOLLENBERG, ALL DELIBERATE SPEED: SEGREGATION AND EXCLUSION IN CALIFORNIA SCHOOLS, 1855-1975, at 108-35 (1976) (describing history of Mexican American segregation in California schools).

¹³⁸ These figures were based on total J.D. enrollment at schools accredited by the American Bar Association, excluding the three Puerto Rican schools. The percent of Latinos enrolled combines the categories of "Mexican American," "Puerto Rican," and "Other Hispanic." American Bar Association, *Minority Enrollment 1971-2002*, available at <http://www.abanet.org/legaled/statistics/minstats.html> (last visited Apr. 20, 2005) and <http://www.abanet.org/legaled/statistics/Fall%202002%20Enrollment.pdf> (last visited Apr. 20, 2005).

who may see older siblings, neighbors, and friends as role models and, therefore, decide to become lawyers themselves. A Latina partner at a small firm emphasized the need for such role models in the Latino community:

Latinos are isolated from the mainstream (and the power and social status that [go] with it) due to language, economic, and cultural barriers. They have no role models — especially Latinas. If there is one Latina out there who even considers a law school education, there is no support for her in her own community and even more resistance from outside her community.

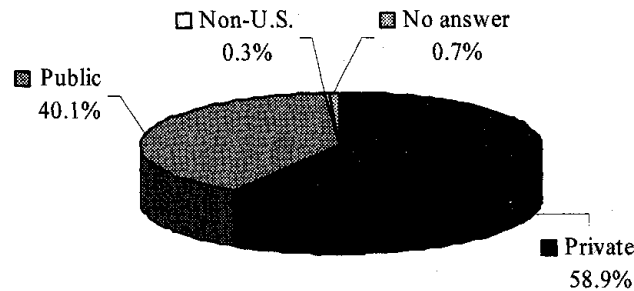
In fact, there are Chicanas and other Latinas who are role models, but, are they sufficiently well-known in the barrios of Los Angeles to serve as true role models to the young? The answer appears to be no. Much more needs to be done.

C. Nature of Law Schools Attended by Latino Lawyers

The ABA Commission Report determined that, in 1996, minorities also made up a growing proportion of elite law school graduates. In 1986, only 11.1% of the graduates of elite law school were minorities; in 1996, 25.5% were minorities¹³⁹ While encouraging for minority representation, this statistic fails to specify from what types of law schools Latino lawyers graduate. The standing and reputation of the law schools is instrumental in determining what career opportunities will be available and the types of associations a student will make while in law school. A majority of Latinos lawyers from Los Angeles attended schools with top-notch reputations, and the majority were trained at private schools. Thus, the law school they attended does not present them with substantial obstacles in their legal careers. In comparison, public law schools have fewer resources and are not as numerous. Public law schools, in my view, have a special responsibility to train those who cannot afford private schooling so they can enter the legal field with as few obstacles as possible. Our study inquired into the specifics of which law schools our Los Angeles respondents attended.

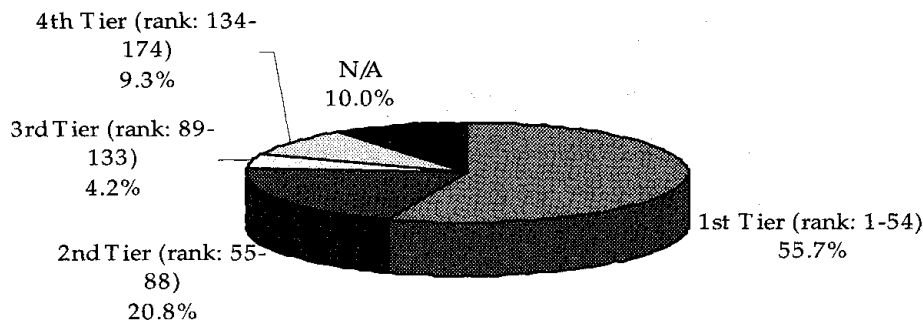
¹³⁹ MILES TO GO, *supra* note 10, at 11 & 48 n. 21. The ABA defines “elite law schools” as law schools ranked in the top 12. In 1996, these included: Yale University, the University of Chicago, Columbia University, Harvard University, New York University, the University of Michigan, Stanford University, U.C. Berkeley (Boalt Hall), Duke University, the University of Pennsylvania, the University of Virginia, and Northwestern University.

Fig. 26 — Nature of Survey Respondents' Law Schools



Of all respondents, 58.8% of all respondents attended private law schools, while only 40.1% attended public law schools (Figure 26). As many as 55.7% of the survey respondents attended what are sometimes referred to as "first-tier" law schools (Figure 27).¹⁴⁰ Slightly more than one-third of our respondents (34.3%) attended law schools ranking below the first-tier, with 20.8% graduating from second-tier law schools, 4.2% graduating from third-tier law schools, and 9.3% graduating from fourth-tier law schools. Ten percent of the respondents attended law schools that were outside of the United States or were not ranked or not accredited.

¹⁴⁰ A "first-tier" law school is ranked 54 or higher in the annual law school rankings published by *U.S. News & World Report*. "Second-tier" denotes those schools ranked 55-88, "third-tier" are those ranked 89-133, and "fourth-tier" are those ranked 134-174.

Fig. 27 — Rank of Survey Respondents' Law Schools¹⁴¹

The majority of first-tier law schools are private. Therefore, the percentage of respondents who attended first-tier schools and the percentage of respondents who attended private schools are consistent with each other. But, this result, nonetheless, raises a question: why are Latino lawyers attending private, first-tier law schools in such high percentages? The large number of California law schools ranking in the first-tier is important in explaining this finding.

Six of the top fifty-four law schools in this country are in California.¹⁴² This represents almost one-third of California's nineteen law schools that are accredited by the ABA.¹⁴³ The large percentage of Latino lawyers who attended private, first-tier schools may be attributed to the greater resources these schools can devote to attracting underrepresented students. Some private law schools exert extra efforts, going to great lengths to attract qualified minority students. Funding for these schools is much stronger than it is for public schools, allowing private institutions to offer relatively attractive scholarships and financial aid

¹⁴¹ N/A denotes schools that have not been accredited or ranked, or that are not in the United States.

¹⁴² These are: Stanford, U.C. Berkeley (Boalt Hall), UCLA, USC, U.C. Davis, and U.C. Hastings College of the Law.

¹⁴³ These include: California Western School of Law, Chapman University, Golden Gate University, Thomas Jefferson School of Law, Loyola Law School, McGeorge School of Law, Pepperdine University, Santa Clara University, Southwestern University, Stanford Law School, U.C. Berkeley, U.C. Davis, UCLA, U.C. Hastings College of Law, University of San Diego, University of San Francisco, University of Southern California, Western State University, and Whittier Law School. State Bar of California, *available at* http://www.calbar.ca.gov/state/calbar/calbar_generic.jsp?sImagePath=Law_Schools.gif&sCategoryPath=/Home/Attorney%20Resources/Bar%20Exam&sHeading=Law%20Schools&sFileType=HTML&sCatHtmlPath=html/Admissions_Law-Schools.html#aba (last visited Sept. 22, 2003).

packages to prospective students. Public schools generally cannot compete with such incentives, especially in light of recent fee hikes at public schools around the country.¹⁴⁴

The underrepresentation of Latinos in law schools raises serious political concerns. There is no indication that the percentage of Latino lawyers will increase in Los Angeles or in California. Meanwhile, the Latino population and its political power in California and across the nation is increasing. The relative lack of Latino judges and public attorneys has been noted by Latino legislators. And the expenditure of public resources on institutions of higher education, which are not serving the Latino population, has been the subject of legislative hearings. The underrepresentation of Latinos is not unique to the law schools. In the long run, only an institutional return to the practical implementation of diversity will avert the impending consequences of present policies. And, only if diversity is accepted as one of the highest priorities will the demographics of the bar change.

D. *Passing the Bar Examination*

Becoming a lawyer requires more than earning a law degree. Passing the bar examination is the last hurdle that all aspiring attorneys must face before entering the profession. This hurdle is a significant challenge for many, and a permanent obstacle for some. The State Bar of California publishes bar passage statistics for every examination that is administered.¹⁴⁵ These statistics indicate a clear disparity between the bar passage rate for non-Latino whites and that for minorities.

Only 51.7% of all Latino test-takers passed the California bar examination on their first attempt in July 2002, compared to 70.4% of non-Latino whites. Latinos have the second lowest bar passage rates of all minorities in the state. Only African-Americans have a lower rate, at 38.5%.

UCLA law students recently prepared a report under the direction of Professor Gary L. Blasi, for the Los Angeles County Bar Association's Committee on Diversity in the Profession.¹⁴⁶ The report notes several explanations for the difference in bar performance. First, students have

¹⁴⁴ Ryan F. Gabrielson, *Law Students Facing Big Fee Hikes*, AZ. BUS. GAZETTE, May 8, 2003, at <http://www.azcentral.com/abgnews/articles/0508lawschools08.html>.

¹⁴⁵ *General Statistics Report, July 2002 California Bar Examination*, STATE BAR OF CALIFORNIA, available at <http://www.calbar.ca.gov/calbar/pdfs/admissions/July2002STATS.pdf> (last visited Apr. 20, 2005).

¹⁴⁶ DIVERSITY REPORT, *supra* note 124, at 38.

various levels of aptitude. Second, law schools vary in their quality of student preparation for the bar examination, despite a similarity in student potential. Third, students study for the bar examination in a variety of ways, some of which may be more effective than others. Finally, situational pressures at the bar examination itself may have differing effects on various test takers, particularly minorities. The report concludes that more information is needed in order to separate these four causal factors to determine which factors best explain minority, and more specifically Latino, performance.

For those taking the exam more than one time, even more hardships are added to the already intense stress experienced when taking the bar. Test takers who failed on their first attempt may become discouraged and may find it emotionally harder to take the examination a second time or more. Others may not be able to afford a second or third round of test preparation. Some I have seen become so distraught that they stop trying altogether and resign themselves to finding another career.

The relative difficulty in successfully passing the bar continues to be a serious impediment to achieving diversity in the bar. This hurdle represents the last of a series of hurdles. First, in general, the elementary and secondary public schools are providing inferior training to Latino students, who find themselves disadvantaged when applying for college entrance. Latinos lag in the SAT scores. Second, college and university education does little to advance their skills in taking standardized tests. Finally, the lower standardized test scores in the LSAT prevents large numbers of Latinos from being admitted to law school. The bar examination, of course, is one more standardized test. Either the entire educational system must improve or the bar examination must be changed. Perhaps an apprentice program can be instituted for those who fail the bar three times. Some of my minority students have failed the bar up to three times, but were considered stars when they joined a firm in light of their skill as lawyers. Potential policy changes must be seriously considered by the bar examiners and the courts, which set those policies.

E. Attorney-Population Ratios

Regardless of the factors that explain the low bar passage rate, fewer Latinos passing the bar imposes a greater burden on practicing Latino lawyers who wish to serve the Latino community. The latest data from the Census Bureau estimates that there were over 4.5 million persons of

Latino descent in Los Angeles County as of July 1, 2002.¹⁴⁷ I have estimated that there were approximately 2853 Latino lawyers in Los Angeles County in 2003.¹⁴⁸ Accordingly, the rough estimate is that there are 1577 Latinos in Los Angeles County for each Latino lawyer.¹⁴⁹ Compare this to a ratio of 114 to 1 for non-Latino whites, as reported in 1990.¹⁵⁰ Because of recent increases in law school attendance, this ratio for non-Latino whites may be even smaller today. For the Asians/Pacific Islander, African-American, and Native American populations, the ratio was approximately 500 to 1 in the same year.¹⁵¹

The foregoing ratio for Latinos is all the more troubling when we consider that, in 1990, the ratio of Latino lawyers to Latinos in Los Angeles was slightly better than it is currently, at approximately 1700:1. The changing ratio reflects, in large part, the trend of a swelling Latino population, not just in the county, but also in the state and across the nation.¹⁵² And as one deputy district attorney observed, “[b]ased on the demographics in the County of L.A., Latino lawyers are grossly underrepresented and we are not keeping up with the fast growing Latino population.” Latino lawyers will struggle to keep up with the corresponding increase in demand for their services.

Although more Latinos have earned a legal education in the last two decades, the trickle of Latinos entering the profession will hardly be noticeable amid this surge. The population projections underscore the

¹⁴⁷ *County Resident Population Estimates of the U.S.*, *supra* note 26.

¹⁴⁸ *Member Demographics*, *supra* note 17.

¹⁴⁹ This estimate is in line with a recent analysis that found a California Latino lawyer-to-population “parity ratio” of 11.4% in 2001. See Miguel A. Méndez & Leo P. Martínez, *Toward a Statistical Profile of Latina/os in the Legal Profession*, 13 BERKELEY LA RAZA L.J. 59, 69 (2002). The parity ratio is computed by dividing the percentage of Latinos among all California lawyers by the percentage of Latinos in California’s general population. Full parity, or 100%, would exist at the point when the percentage of Latino lawyers equals the percentage of Latinos in the general population. Represented in these terms, the projected Los Angeles Latino lawyer population would translate into a Latino lawyer-to-population parity ratio of 10.9% (3.7% — the percentage of Latino Lawyers, divided by 34% — the percentage of Latinos in Los Angeles). See *supra* note 19.

¹⁵⁰ DIVERSITY REPORT, *supra* note 124, at 2.

¹⁵¹ Specifically, for Asians/Pacific Islanders, the ratio was 546:1; for African-Americans, the ratio was 530:1; and for Native Americans, the ratio was 464:1. *Id.*

¹⁵² While the Latino population in California numbered 7,704,348 in 1990, making up 25.8% of the state’s total population, the latest estimate available reported 38,761,370 Latinos in California, or 34% of the state’s population. For 1990 estimates, see U.S. Census Bureau, at <http://www.census.gov/popest/archives/state/srh/srhmars.txt> (last visited Apr. 20, 2005). For 2002 estimates, see *State Population Estimates*, *supra* note 25. For 1990 estimates, see U.S. Census Bureau, at <http://www.census.gov/popest/archives/1990s/srh/srhmars.txt> (last visited Apr. 20, 2005).

need to increase the members of the Latino bar.¹⁵³ The statistics on law school enrollment presented above are encouraging, but there are significant challenges ahead to achieving true representation in the profession.

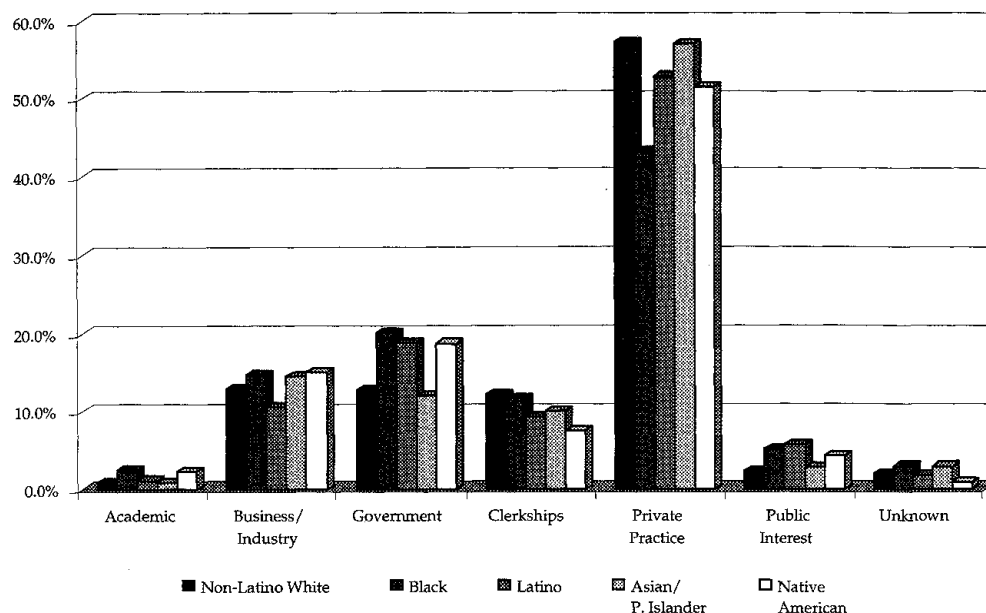
F. Initial Employment

A lawyer's experiences in his first position influences his response to practical aspects and ethical issues faced in the practice of law. At the same time, it reveals the fields of law to which the lawyer has been attracted. Los Angeles Latino lawyers show a pattern somewhat different from the general pattern. Where do new Latino law school graduates work once they have become members of the bar? Furthermore, in what fields do Latino lawyers initially practice after they are accepted to the state bar? NALP collects data annually on these questions, the most recent of which is presented in Figure 28.¹⁵⁴

¹⁵³ The Latino population made up 34% of California's population in 2002, and Latinos are projected to be 43% of the state's population by 2025. See U.S. Census Bureau, at <http://www.census.gov/population/www/projections/stproj.html> (last visited Apr. 20, 2005). Latinos are projected to make up 18.1% of the national population by 2025. See U.S. Census Bureau, at <http://www.census.gov/population/projections/nation/summary/np-t5-f.pdf> (last visited Apr. 20, 2005).

¹⁵⁴ *Jobs & J.D.'s: Employment and Salaries of New Law Graduates, Class of 2001*, in NATIONAL ASS'N FOR LAW PLACEMENT 51 (2002).

Fig. 28 — Initial Employer Types of New Law Graduates, Class of 2001¹⁵⁵



The percentage of Latino graduates who work in business/industry, clerkships, and private practice is smaller than that for non-Latino white graduates.¹⁵⁶ For example, as many as 59.9% of all non-Latino white law school graduates work in private practice, but only 55.1% of Latino graduates hold such positions. Latinos are also the least likely ethnicities to work for business or industry directly after law school. However, the rate of Latino graduates who work in academia, government, and public interest is greater than that for non-Latino white law graduates. There is a particularly noticeable disparity in the areas of government and public interest. While 12.5% and 2.5% of non-Latino white graduates work in government and public interest, respectively, 17.4% and 7.1% of Latino graduates do so.

¹⁵⁵ This figure reflects full-time positions only.

¹⁵⁶ See *supra* Part II.A.

IV. PUBLIC SERVICE

Among the fields most prominently joined by Los Angeles Latino lawyers are those related to public service. In my view, this demonstrates that the idealism which brought many of these lawyers to the profession has found an outlet — they can put their idealism to work in those positions.¹⁵⁷ That Los Angeles Latino lawyers actively participate in public service outside their professional lives as volunteers underscores their dedication to those ideals.

Almost 35% of survey respondents stated that idealism and social consciousness were determining factors in their current career choice. How is this altruism expressed in the daily lives of Latino lawyers in Los Angeles County? A profile of Latino lawyers in Los Angeles County would be incomplete without a discussion, however brief, of the various public service activities in which they participate. This part examines the levels of public service prevalent among practicing Latino attorneys.

A. Charitable Activities

Nearly all of the respondents (87.9%) said that community service is an important factor in their legal careers (Table 10). This number is significant. This statistic is also an encouraging indication that Latino lawyers have a broad view of their roles as professionals in their communities. Lawyers have an ethical obligation to be public citizens with a special responsibility for the quality of justice.¹⁵⁸ For the Latino community, which suffers from poverty, inferior educational opportunities, and low housing ownership, the Latino lawyer has become a source of strength, social advocacy, and leadership.

Table 10 — Importance of Community Service in Survey Respondents' Legal Careers

Importance	%
Yes	87.9
No	11.1
No Answer	1.0
TOTAL	100.0

¹⁵⁷ See *supra* Part II.B.1.

¹⁵⁸ MODEL RULES OF PROFESSIONAL CONDUCT preamble (2002).

This data also demonstrates the various manners in which lawyers can contribute to underrepresented sectors of their surrounding areas. The survey respondents engaged in various forms of service (Table 11). Over half are involved in volunteer boards or committees. More than one-third perform pro bono work. Nearly one-third indicated that they contribute to charitable organizations. And, nearly one quarter reported that they engage in various other types of community service.

Table 11 — Forms of Community Service in Which Survey Respondents Participate

Type of Community Service	%
Volunteer Boards / Committees	55.4
Pro Bono Work	37.4
Charitable Financial Assistance	29.8
Other	26.3

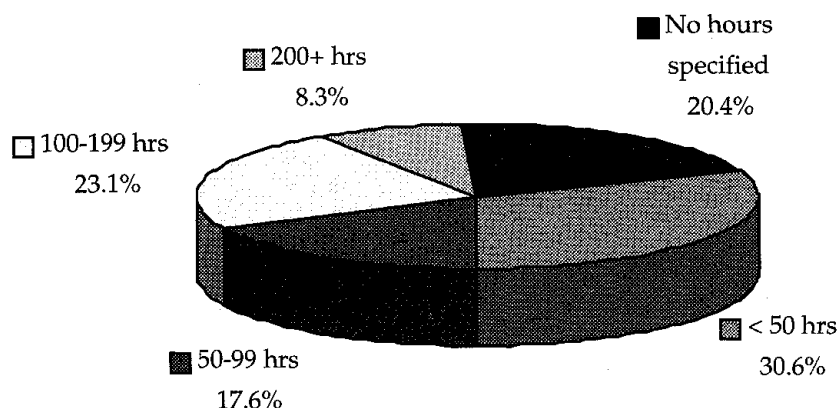
B. *Pro Bono Work*

A lawyer can perform pro bono representation as an integral part of daily practice. At times, it is more personal. Thus, for example, a government lawyer may provide such services on a Saturday for the local legal services program. However, that kind of consistent dedication to pro bono work approximates the ideal. The American Bar Association provides that it is the lawyer's professional responsibility to perform fifty hours of uncompensated legal work for poor people every year.¹⁵⁹

How close to this ideal do Latino lawyers come? Of all survey respondents who reported performing pro bono services, 30.6% reported working fewer than fifty hours a year. About 20% did not specify how many hours they spent performing such services. This figure seems high; but, perhaps these respondents have a more restrictive view than the ABA of what qualifies for pro bono work and, therefore, did not report their time in our survey (Figure 29). On the other hand, 49% stated that they met or exceeded the ABA's fifty-hour recommendation. As many as 8.3% of the respondents even reported that they provided 200 hours or more of pro bono services every year.

¹⁵⁹ MODEL RULES OF PROFESSIONAL CONDUCT, R. 6.1.

Fig. 29 — Hours of Pro Bono Work Performed by Survey Respondents Yearly



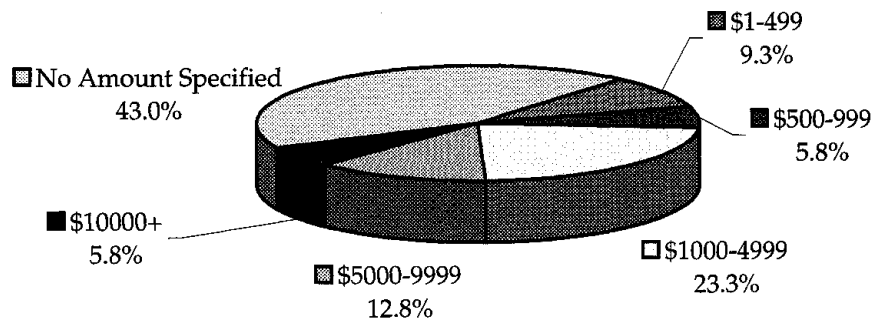
Overall, the average survey respondent spends twenty-five hours a year doing pro bono work. However, of those respondents who reported performing such services, the average was eighty-three hours a year. While not all respondents met the ABA recommendation, participation is impressive. Many contributed far more than the recommended hours. Others, while listing fewer than fifty hours, or none at all, appear to have been active in community affairs. My experience tells me that it is almost impossible for a lawyer in the Latino community to be so involved and not be called upon for advice and help on a pro bono basis.

C. Financial Contributions

The survey results indicate that Latino lawyers are generous with their financial resources (Figure 30). Of those survey respondents who reported donating money to various organizations, 15.1% give less than \$1000 a year. Over 23% donate amounts between \$1000 and \$4999. The rates start to decrease over the \$5000 mark, with 12.8% donating between \$5000 and \$10,000 a year, and 5.8% contributing over \$10,000. Forty-three percent of the survey respondents who reported making contributions did not specify how much they give on a yearly basis. Moreover, data on the average contributions of other ethnic groups is lacking, precluding what could be very interesting comparisons. For example, in recent times, the Jewish community has donated generous

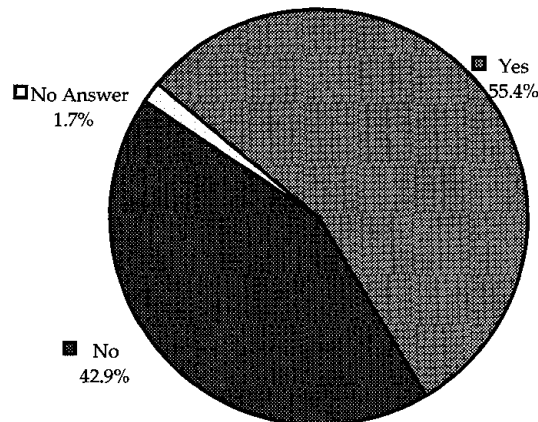
contributions to the farm workers union. In 1986, Cesar Chavez informed me that, during that year, contributions from the Latino community exceeded contributions from the west side of Los Angeles, an area of Jewish and White liberal contributors. Thus, it is likely that many of those who did not specify contributing funds may actually have contributed at some point during their careers.

Fig. 30 — Survey Respondents' Yearly Financial Contributions



Latino lawyers appear to be generous contributors to their law schools. Approximately 55% of all survey respondents contribute such funding (Figure 31). This figure compares with general annual contributions to public law schools in California in the range of 20 to 25%.

Fig. 31 — Survey Respondents Who Contributed Funding to Their Law Schools After Graduation



The generosity of Los Angeles Latino lawyers is significant in several respects. These lawyers are willing to share their financial resources with the community which is in need. It further indicates their desire of idealism. I attended the funeral of a lawyer friend who lived and practiced as a solo practitioner in the barrio of East Los Angeles. While he was not wealthy, he was described as a "philanthropist" by several speakers. He was very involved in the social and political life of the community, and contributed generously to individuals and neighborhood organizations. It is this spirit of participation which financial contributions illustrate.

CONCLUSION

This survey is a modest contribution to what must become a much more ambitious undertaking. The findings are of great interest. They reveal an established, thriving, and diverse Latino bar in Los Angeles County. Although Latino lawyers are woefully underrepresented, they appear to be a successful subgroup overall, fortifying the larger California bar in its responsibility to serve all the people of the state. In this regard, the survey confirms what Latino lawyers already know from their experience. As importantly, the survey's findings begin to provide dimension to the picture of the Latino bar for everyone else.

Latino lawyers are well-off financially, comparing favorably to their non-Latino counterparts. They are similar to the bar as a whole in other ways, as well. Their distribution roughly mirrors the distribution of the general lawyer population across areas of practice and across practice settings. They appear to be satisfied with their careers, and through their active involvement in community and bar associations, they are meeting their obligation to be "public citizens having a special responsibility for the quality of justice."¹⁶⁰ Yet, comparisons with the state and national bar associations also demonstrate that the Latino bar is distinct from the general lawyer population in several respects. Although more Latinos practice in firms, for example, they are more likely to work in a small firm, rather than in a large firm or in a solo practice. A greater percentage of the Latino bar seeks out careers as public defenders, in public service, and in non-profit legal services.

The survey's findings on the overall professional and financial success enjoyed by these lawyers could have important implications for the affirmative action debate. An overwhelming number of the survey

¹⁶⁰ MODEL RULES OF PROFESSIONAL CONDUCT preamble (2002).

respondents believed themselves to have been admitted to law school through affirmative action programs, and it is undoubtedly true that many were beneficiaries. Unsurprisingly, affirmative action enjoys very strong support among these lawyers. Moreover, the undeniable professional success enjoyed by the survey respondents, as measured by their career satisfaction and their relatively high financial standing, appears to controvert arguments that affirmative action impedes law schools in their mission to produce competent graduates. While the bar exam presents a larger hurdle for Latinos, the majority of them do pass California's tough final test and become licensed attorneys, having fully prepared for the demands of the profession.

While we now know something more about the ways in which Latino lawyers contribute to the state, more research on Latinos and their progress is essential to designing well-informed policies for increasing their representation in law schools and in the profession. Latinos are poorly represented as partners and associates in large firms, as law professors, and as prosecutors and defense attorneys because there are so few Latino lawyers overall. With Latinos making up only 3% of all lawyers, they will remain underrepresented across practice settings until the number of Latinos graduating from law school, and becoming licensed attorneys, increases significantly. Projections are that, at the current rate, it will take 125 years from the year 2003 for Latino lawyers in California to reach parity with the Latino population in this state.¹⁶¹ Only a pro-active plan can change this forecast.

¹⁶¹ Méndez, *supra* note 124, at 69.