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**2001
Gender Survey
of
Private Law Firms
and
Public Agencies**

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*Note: Please also see article on study, published in July, 2001, issue
of Lawyers Club News.*

**Lawyers Club of San Diego
2001 GENDER SURVEY OF PRIVATE LAW FIRMS**

Firm	% of Female Partners	Total Partners	Female Partners	% of Female Attorneys	Total Attorneys	Female Attorneys	% of Female Associates	Total Associates	Female Associates
Kimball, Tirey & St. John	58	12	7	41	34	14	32	22	7
Chapin Shea McNitt & Carter	54	11	6	38	26	10	27	15	4
Baker & McKenzie	40	10	4	44	36	16	46	26	12
Fish & Richardson*	33	6	2	19	16	3	10	10	1
Brobeck Phleger & Harrison	32	22	7	29	96	28	28	74	21
Pillsbury Winthrop	29	17	5	44	43	19	54	26	14
Best Best & Krieger	28	7	2	52	21	11	64	14	9
Cooley Godward	26	19	5	35	83	29	40	64	24
Grace Brandon & Hollis	25	4	1	48	21	10	56	16	9
Gray Cary Ware & Friederich	30	70	21	35	177	62	36	95	34
Milberg Weiss Bershad Hynes & Lerach*	25	24	6	34	58	20	41	34	14
Higgs Fletcher and Mack	24	33	8	27	62	17	31	29	9
Sheppard Mullin Richter & Hampton	23	22	5	40	47	19	56	25	15
Heller Ehrman White & McAuliffe	22	9	2	35	43	15	27	26	7
Luce Forward Hamilton & Scripps	21	104	22	31	208	65	44	93	41
Duckor Spradling & Metzger	20	15	3	24	29	7	33	12	4
Littler Mendelson	20	10	2	44	18	8	75	8	6
Neil Dymott Perkins Brown & Frank	20	15	3	33	36	12	50	20	10
Post Kirby Noonan & Sweat	20	15	3	29	21	6	50	6	3
Gordon & Rees	16	6	1	23	30	7	25	24	6
Lincoln Gustafson & Cercos*	14	7	1	28	18	5	36	11	4
Solomon Ward Seidenwurm & Smith*	13	15	2	18	22	4	29	7	2
Procopio Cory Hargreaves & Savitch	12	34	4	21	72	15	38	26	10
Klinedinst Fiehman & McKillop	11	11	1	47	68	16	65	23	15
Seltzer Caplan McMahon Vitek	11	28	3	24	59	14	35	31	11
Thornes Bartolotta & McGuire	11	9	1	25	20	5	36	11	4
Latham & Watkins*	10	29	3	32	85	27	43	56	24
Lewis D'Amato Brisbois & Bisgaard	10	21	2	22	32	7	45	11	5
Royce Grimm Vranjes McCormick & Graham	10	10	1	13	16	2	17	6	1
Allen Matkins Leck Gamble & Mallory	9	12	1	32	34	12	50	22	11
Cozen & O'Connor*	9	11	1	17	18	3	29	7	2
Stutz Gallagher Artiano Shinoff & Holtz*	9	11	1	14	22	3	18	11	2
McKenna & Cuneo	8	12	1	15	26	4	37	8	3
Wingert Grebing Brubaker & Ryan	8	13	1	15	27	4	21	14	3
Hayes Simpson & Greene*	0	12	0	7	28	2	13	16	2
TOTALS	21%	666	138	30%	1652	501	39%	899	349

* Data from Martindale-Hubbell (Volume 3, 2001)

Lawyers Club of San Diego
2001 PUBLIC SECTOR SURVEY

AGENCY NAME	% FEMALE ATTYS	TOTAL # ATTYS	# FEMALE ATTYS	# ENTRY LEVEL POSITIONS	# FEMALE ELPS	# FEMALE ELPS	% FEMALE ELPS	# MID-LEVEL POSITIONS	# FEMALE MLPS	% FEMALE MLPS	# TOP LEVEL POSITIONS	# FEMALE TLPS	% FEMALE TLPS	AGENCY HEAD	WORK * OPTIONS
SDVLP	78%	9	7	5	5	5	100%	1	1	100%	2	1	50%	Male	JS/PT/ Flex
Appellate Defenders	71%	17	12	2	2	2	100%	5	4	80%	10	6	60%	Female	PT/TC/ Flex
Superior Ct./ Research Attorneys	70%	60	42	56	39	39	70%	3	2	67%	1	1	100%	Male	PT/Flex (1td)
Ct. of Appeal/ Research Attorneys	63%	30	19	3	3	3	100%	25	14	56%	2	2	100%	Female	JS/PT/ Flex
Legal Aid	59%	17	10	7	4	4	57%	7	5	71%	2	1	50%	Male	Flex
City Attorney	57%	131	75	44	29	29	66%	80	42	53%	5	4	80%	Male	JS/PT/TC Flex
S.D. Unified Port District	50%	4	2	1	0	0	0%	1	1	100%	2	1	50%	Male	Unknown
Public Defenders	46%	191	88	35	14	14	40%	137	68	50%	19	6	32%	Male	JS
County Counsel	43%	69	30	3	0	0	0%	60	27	45%	6	3	50%	Male	Flex
Alt. Public Defenders**	43%	54	23	16	13	13	81%	17	5	29%	21	5	24%	Male	None
Attorney General	43%	950	407	255	132	132	52%	690	274	40%	5	1	20%	Male	PT/Flex
Federal Defenders	42%	38	16	32	14	14	44%	N/A	N/A	N/A	6	2	33%	Male	Full Time
District Attorney	42%	310	129	29	14	14	48%	224	107	48%	57	8	14%	Male	JS/PT/ Flex
U.S. Attorney	36%	118	42	103	41	41	40%	N/A	N/A	N/A	15	3	20%	Male	PT
TOTALS	45%	1998	902	591	310	310	53%	1250	550	44%	153	44	29%	14% Female	

* Work Options: JS: Job Share; PT: Part Time; FT: Full Time; Flex: Flexible scheduling; TC: Telecommuting
 ** The Alternate Public Defenders declined to participate in this year's survey. Data from the year 2000 survey is included.

LAWYERS CLUB SURVEY OF PUBLIC AND PRIVATE SECTOR LAW FIRMS:
METHODOLOGY

The following describes the Lawyers Club of San Diego 2001 Survey of Public and Private Sector Law Firms and the methodology used.

In each survey, the firms and agencies are listed in descending order based upon percentages of women partners (private) or attorneys (public). If two or more entities have an identical percentage, they are listed alphabetically. All percentages have been rounded to the nearest percentile.

This information was compiled by written response to the Lawyers Club questionnaire, which was forwarded to the firms and public agencies in Spring, 2001. Lawyers Club thanks the agencies and law firms involved for their participation.

Differences in data compilation of the surveys follow.

Public Sector Law Firms

The data depicted in this chart was compiled from the results of a survey sent to all public law agencies in San Diego. The data was provided by the survey respondents and is presumably current as of submission -- i.e., Spring, 2001. The completed surveys are available for inspection during normal business hours with reasonable notice to Executive Director, Marsha Smelkinson.

The first three columns of the 2001 survey describe the percentage of women in each agency as reflected by its responses to our survey, as well as the size and composition as a whole. The next three columns describe the composition of the entry-level positions. For the purpose of this survey, this is defined as new attorneys along with those who are more experienced, but whose rank has little or no supervisory responsibilities. The next three columns describe the composition of the middle level positions. This is defined as those attorneys who are not only more experienced, but who also have a reasonable degree of supervisory responsibilities. The next three columns describe those in the top echelon of the agency, excluding the agency head. The last column of the public sector survey describes what, if any, work options, e.g., job sharing, flex time or part time, the organization has available to its employees.

Private Sector Law Firms

The figures used in this survey were compiled by sending a survey to all San Diego law firms with fifteen or more attorneys and requesting that they provide their own figures. For those firms that did not return the survey, data from *Martindale-Hubbell, 2001 edition* was used. These numbers and percentages do not reflect any changes in firm size or composition that may have occurred after the firm returned the survey. Attorneys listed as advisory partners or "of counsel" were included in determining firm size or calculating percentages.

The first column of the 2001 Survey describes the percentage of women partners in each law firm as reflected by the figures provided by the firms themselves. The seventh column describes the percentage of women associates in each law firm. Attorneys identified as "of counsel" or "special counsel" are grouped with associates for purposes of the survey.

2001 Equality Task Force Survey Results: **SLOW PACE FOR WOMEN IN SAN DIEGO**

By Stacy L. Fode

The Lawyers Club Equality Task Force has completed its eleventh annual survey of the employment and promotion of female attorneys in San Diego's private firms and public agencies. As always, the results of the survey are telling as to the progress of female attorneys in the San Diego legal community.

At the dawn of the twenty-first century, women account for almost one-third of San Diego's lawyers. Outstanding female lawyers can be found in virtually every field of private and public sector practice, on the bench, and in bar associations. However, despite the substantial progress towards equal opportunity, women in San Diego's legal community remain under-represented in positions of the greatest status, influence, and economic reward. Overall, women are gaining presence in the influential and visible positions in law firms and public agencies, but this progress is being made at a slow pace.

Private Sector Results

In 2001, female attorneys account for 21% of the partners in San Diego's largest private firms. The percentage of female partners increased 3% from last year, a significant increase given that the percentage of female partners in San Diego's private firms has risen only a total of 7% between 1992, when the survey was first conducted, and the year 2000. However, a closer look at the underlying numbers indicates that female attorneys may merely be benefiting from a decrease in overall partners in San Diego firms participating in the survey. For instance, in 2000, our study indicated that there were 861 total partners and 165 female partners, and this year there were only 666 total partners and 138 female partners.

Kimball, Tiley & St. John has once again assumed the top of the list, with an impressive 58% (seven out of twelve) female partners. **Chapin Shea McNitt & Carter** was next on the list with 54% (6 out of 11) female partners, and **Baker & McKenzie** was third with 40% (4 out of 10) female partners. Unfortunately, women make up one-third or less of the partnership in 32 out of 35 firms included in the. However, female attorneys in San Diego appear to have a better chance of making partner than at the national level, where women make up only 15% of law firm partners. See *Deborah L. Rhode, The Unfinished Agenda: Women and the Legal Profession, ABA Commission on Women in the Profession, 2001, at 14.*

Currently, the percentage of female associates in San Diego's largest private law firms is 39%, a 3% decrease from the 2000

survey. A decrease in any amount is disturbing given that women are attending law school in equal numbers to men. In twenty-six of the 35 firms included in our survey, less than half of the associates are women. Firms reporting the highest percentages of women at the associate level were **Littler Mendelson** (6 out of 8), **Klinedinst Flieman & McKillop** (15 out of 23 associates), and **Best Best & Krieger** (9 out of 14).

Public Sector Results

While the percentage of female attorneys employed in public agencies remained the same as last year (45%), the percentage of women in the capacity of agency head dropped by 9%, from 23% in 2000 to 14% in 2001. The percentage of women employed in mid-level positions increased 2% from last year (from 42% to 44%), and the percentage of women employed in top level positions increased by 1% (from 28% to 29%). However, the percentage of women employed in top level positions dropped 5% between 1999 and 2000, thereby making the 1% increase in women serving in top level positions relatively insignificant. Further, the percentage of women in entry-level positions dropped two percentage points from last year.

Among public sector agencies surveyed, **San Diego Volunteer Lawyers Program** is in first place, up from fourth last year, with 78% female attorneys. **Appellate Defenders** had the same percentage as last year (71%), and **Superior Court Research Attorneys** increased its percentage of female attorneys from 63% to 70%. Surprisingly, the percentage of female attorneys employed at **Legal Aid** dropped from 67% last year to 59% this year. The **U.S. Attorney** placed last on the survey once again; however, the percentage of female attorneys at the U.S. Attorney increased from 34% to 36% between 2000 and 2001.

Once again it appears from these numbers that women are more likely to work in the public sector than in the private sector and more likely to rise in the ranks of public sector agencies than in private firms. This trend is in line with national studies showing that female lawyers are more likely than male lawyers to work in government, legal aid, and public defender programs and less likely to practice in law firms. (See *Rhode, at p. 23.*) While the public sector is closer to providing equal access for women at all levels, we urge public agencies to keep the channels of mobility open to the most qualified applicants regardless of gender.

Comment

It appears from this year's survey results that San Diego is on par with a disappointing national trend. Despite substantial progress towards equal opportunity, women in the legal profession remain under-represented in the positions of greatest status, power, and economic reward. Despite this apparent problem, other reports indicate that there is a lack of consensus that a problem exists. Only about 25% of female lawyers and 3% percent of male lawyers believe that prospects for advancement are greater for men than for women. (*Rhode, p. 14.*) Studies show that most attorneys equate gender bias with intentional and overt acts of discrimination. In reality, however, women's opportunities may be limited by factors other than conscious prejudice, such as unconscious gender stereotypes, inadequate access to informal networks of mentoring, contacts and client development, workplace structures which fail to accommodate a balanced life, sexual harassment, and gender bias in the justice system. *Rhode, pp. 6-8.*

In the legal profession, where half of new entrants are women, organizations must ensure equal opportunity for women in order to attract, retain, and motivate the most qualified individuals. Ensuring equal opportunity makes economic sense in today's market. Studies show that the employers most successful in promoting gender equality are also the most successful in financial terms such as economic growth and return on investments. (*Rhode, p. 13.*) It is our hope that hiring partners will identify and address the barriers to equal participation and advancement of women within private firms and public agencies in San Diego.

Lawyers Club of San Diego gathered its data in the spring of 2001. Data for public agencies and private firms was obtained directly from the agencies and firms themselves. Surveys were sent to all public law agencies in San Diego and to all San Diego law firms with 15 or more attorneys. The Equality Task Force greatly appreciates the efforts of all participating law firms and public agencies. A summary of the data collected is included in the insert in *Lawyers Club News* July 2001. The figures cited above or included in the insert do not reflect any changes in firm size or composition since the time of the data collection. Anyone wishing to inspect the data should contact the Lawyers Club office at 619-544-1478.

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