

Asian Americans Still Face Barriers In Legal Industry

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When Andrew T. Hahn, Sr. took his first job as an Army lawyer in 1986, he was excited to see that one of his bosses in the JAG Corps, Brigadier General John Liu Fugh, was a fellow Asian American. Hahn, who emigrated to the United States with his parents from Korea when he was a toddler, saw Fugh as a role model.

“I thought, oh that’s great,” he said in an interview.

But, when in 1990 he moved to New York City to take a job at now-defunct white shoe firm Donovan, Leisure, Newton & Irvine, he was confronted with an entirely different reality.

“I realized at that point that there were very few Asian American partners, very few if any Asian-American judges, and certainly I didn’t know of any general counsel or in-house counsel,” said Hahn, now a litigation partner at Duane Morris. “So basically they were few and far between.”

Today, the lack of diversity Hahn recalls is still a problem: a new study shows that while there has been progress, Asian American lawyers have a way to go to reach equality.

The number of Asian American lawyers has increased from 10,000 in 1990 to more than 50,000 today, but Asian Americans remain underrepresented across the legal profession, particularly in law firm leadership, judgeships, and government roles, according to [the study published by the National Asian Pacific American Bar Association and Yale Law School](#).

The two-year study, authored by California Supreme Court Justice Goodwin H. Liu and a group of Yale researchers, included a dozen focus groups and a national survey of more than 600 Asian American lawyers. It also drew on research conducted through the American Bar Foundation’s After the JD project, a longitudinal study of 5,000 lawyers, including more than 200 Asian American lawyers.

Though Asian Americans make up the largest minority group in law firms, such representation largely exists in the associate ranks rather than the partner level, according to the study. Like other minority groups, the attrition rate for Asian Americans is disproportionately high. In 2014, Asian-Americans comprised 6.7 percent of all attorneys and 8.9 percent of those who left their firms that year, according to the report.

“You have more coming in at the lower level and then you hit the glass or bamboo ceiling as you try to get into more senior or leadership positions,” said Hahn. “As a person who’s been in the trenches all these years, it’s a very frustrating thing to see. We kept hoping it would get better.”

Hahn said the lack of representation he found when he entered private practice set him on a “crusade” to get more Asian-Americans active in the legal community. In 2004, he became president of the Asian American Bar Association of New York, and in 2008, he served as president of the National Asian Pacific American Bar Association.

In the National Asian Pacific American Bar Association study, Liu and his fellow researchers also found that Asian Americans are more likely to be enrolled in top-tier law schools but less likely to get clerkships than their white counterparts. In 2015, Asian Americans comprised 10.3 percent of graduates from the top 30 U.S. schools and accounted for 6.5 percent of federal law clerks and 4.6 percent of state law clerks, according to the study. By contrast, white students made up 58.2 percent of students from top-30 law schools but obtained 82.4 percent of all federal clerkships and 80.2 percent of all state clerkships.

Many of the barriers to advancement have to do with perceptions and implicit biases, according to the study.

“Whereas Asian Americans are regarded as having the ‘hard skills’ required for lawyerly competence, they are regarded as lacking many important ‘soft skills,’” the authors noted.

Hahn said he wasn’t surprised by these results. Clerkships are a pathway to litigation, a field where Asian Americans remain underrepresented.

“The bottom line is, Americans don’t see Asian Americans as effective lawyers,” said Hahn. “A lot of my fellow Asian American litigators, we joke around, every time we go into court, people think we’re the interpreters or the client, never the litigator.”