

More Asian-Americans On Lawyer's Path, But Few Get Far

By [Adam Rhodes](#)

Law360, New York (July 18, 2017, 8:34 PM EDT) -- The number of Asian-American lawyers in the U.S. has more than doubled in the past 17 years, but disproportionately few clerks, judges and prosecutors are Asian-American, according to a report Tuesday.

The National Asian Pacific [American Bar Association](#) and Yale Law School released a report on a two-year study that represents the first-ever comprehensive study of Asian-Americans in the legal profession, NAPABA said in a release. The report breaks down statistics on Asian-Americans in law schools, law firms and public service and on the minority group's satisfaction and mental health, among other things.

The report was authored by California Supreme Court Justice Goodwin H. Liu; Yale law graduates Eric Chung, Xiaonan April Hu and Christine Kwon; and Yale law post-graduate associate Samuel Dong. More than 600 Asian and Asian-American lawyers were surveyed through NAPABA and related networks. The study also brought together existing information on Asian-Americans in the legal industry and utilized 12 focus groups with 77 attorneys at the November 2015 NAPABA convention.

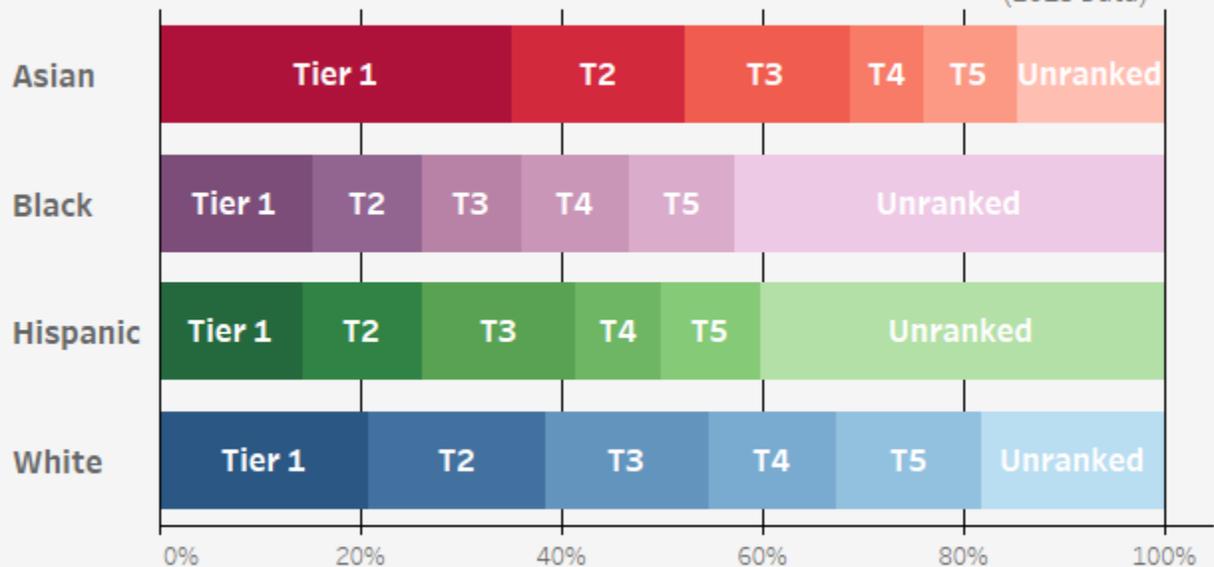
In an interview with Law360 on Tuesday, Justice Liu said his reasons for the study did not come out of thin air: He was partly motivated by a 2015 California Supreme Court ruling that posthumously secured a law license for Hong Yen Chang, a Yale University and Columbia Law School graduate who was denied a license because he was not entitled to U.S. citizenship under the Chinese Exclusion Act.

“It was just kind of a very poignant reminder that Asian-Americans have been excluded from the legal profession for a very long time, for most of American history in fact,” Justice Liu said.

Between 2003 and 2010, Asian-Americans were the largest minority group attending law school, peaking in 2009 at 11,327, the report said. However, from 2009 to 2016, Asian-American first-year enrollment fell by 43 percent, and in 2016 it was the lowest it had been in more than 20 years, according to the report.

Over 30% Of Asian-American Law Students At Top Schools

(2015 Data)



Source: The American Bar Association and U.S News & World Report via "The Portrait Project: A Portrait of Asian Americans in the Law" by the National Asian Pacific American Bar Association and Yale Law School

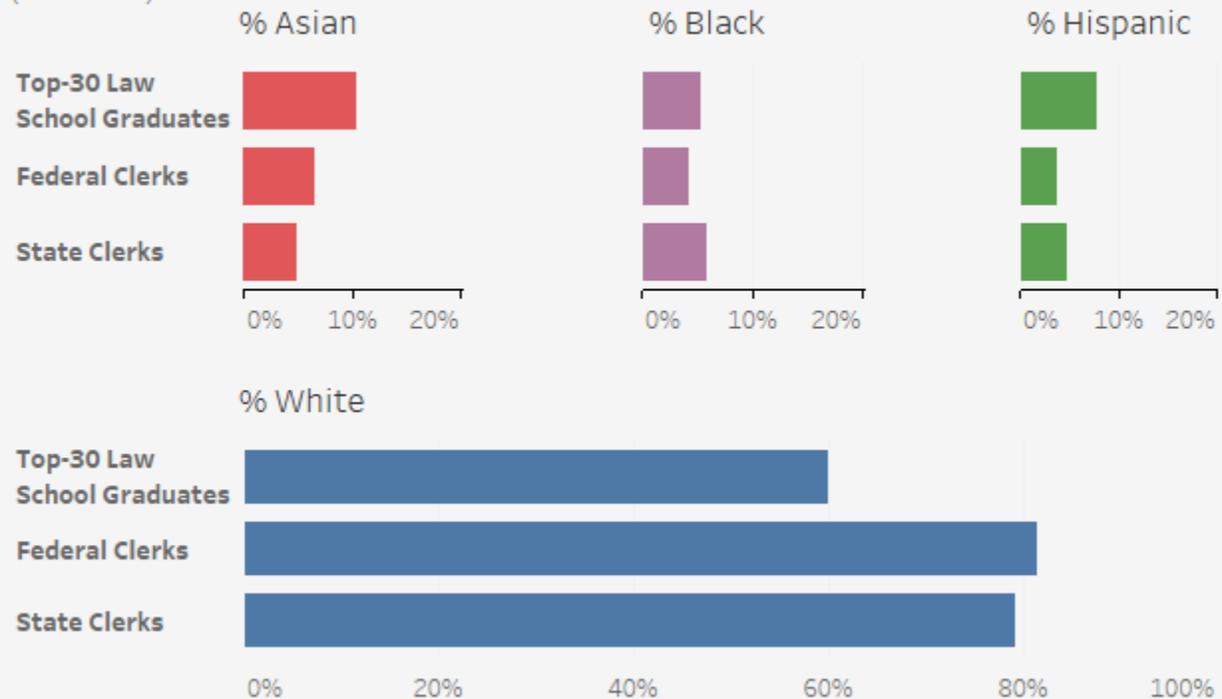
The report said that despite that dramatic drop, 34 percent of all Asian-American law students in 2015 were enrolled in the top 30 law schools ranked by U.S. News & World Report.

But Justice Liu said what surprised him most in the study was the small number of Asian-American federal and state clerks, especially when accounting for the number of Asian-American students in top law schools.

While making up just over 10 percent of all graduates in 2015 from the top 30 law schools, Asian-Americans comprised just 6.5 and 4.6 percent of federal and state law clerks respectively, the report said. Justice Liu said this was especially surprising given that while 58.2 percent of students from the top law schools were white, those students secured 82.4 percent of federal clerkships and 80.2 percent of state clerkships.

Asian-Americans Law School Grads Not Proportionately Represented Among Federal, State Judicial Law Clerks

(2015 Data)



Source: The American Bar Association, National Association for Law Placement and U.S. News & World Report via "The Portrait Project: A Portrait of Asian Americans in the Law"

“It’s just one statistic, but it is something that is a window into how career paths get going,” Justice Liu said.

The lack of Asian-American federal prosecutors, he said, was another report statistic that jumped out at him.

For the report, Justice Liu’s team examined a 2014 Women Donors Network study that looked at all 2,437 elected prosecutors in the nation and showed that less than a dozen were Asian-American. If that was not surprising enough, Justice Liu said, upon further investigation his team discovered that in actuality, there were only 4. Additionally, according to the report, 3 of the 94 U.S. attorneys in office in 2016 were Asian-American.

“This is a very serious, stunning statistic in terms of the shortcoming of Asian-Americans in reaching what are some of the most important legal jobs out there where big decisions get made that affect not only the Asian-Americans but every community and Asian-Americans don’t have a seat at the table,” Justice Liu said.

Career advancement was a recurring topic in the study, he said, and overwhelmingly the 600

attorneys surveyed said they felt that lack of access to mentors was the biggest hindrance to their professional development.

That feeling resonated with Justice Liu, he told Law360, because during every stage of his law career, he was unaware of the options before him — from clerkships to academia to eventually serving as a judge — until his mentors pushed him in those directions.

The last statistics Justice Liu highlighted as surprising were the rate of attrition for Asian-American attorneys and the lack of representation in leadership positions.

“What was stunning to see that Asian-Americans have highest attrition rates and lowest partner to associate ratio of all groups,” Justice Liu said. “Something is happening differentially with respect to Asian-Americans where they are leaking out of law firm pipeline in terms of promotion.”

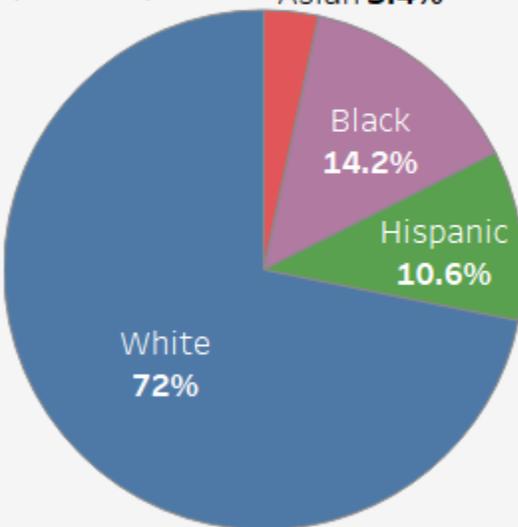
But Justice Liu was careful to note that he can’t say whether there’s good news or bad news in those numbers, namely because there’s a lack of data as to where those attorneys are going. They could be moving in-house or to the federal government or leaving the profession as a whole, he said.

The study also detailed that only 25 Asian-Americans serve as active Article III federal judges, making up just 3.4 percent of the federal judiciary. However, the situation in state courts was worse, where only 2 percent of judges were Asian-American in 2014, according to the report.

Asian-Americans Better Represented On Federal Bench

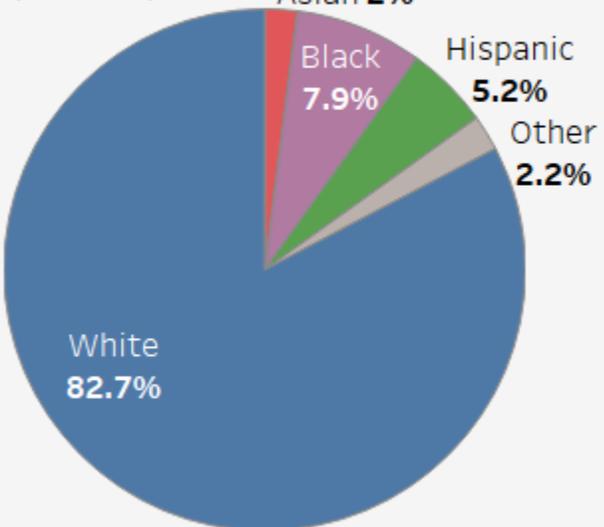
Federal Judges

(2016 Data)



State Judges

(2014 Data)



Source: The Federal Judicial Center and "The Gavel Gap: Who Sits in Judgment on State Courts?" via "The Portrait Project: A Portrait of Asian Americans in the Law"

Survey respondents reported that implicit bias and stereotypes were a hindrance to their professional advancement, and the report also concluded that Asian-American attorneys experience the greatest mental health challenges among any group in the legal profession.

While making no recommendations or calls to action, the report more than anything is meant to bring awareness, which is the first step to combating some of the more distressing findings, according to Justice Liu.

“Once people I think are more conscious of these phenomena, they can be more intentional,” he said.

“Be intentional about mentoring relationships,” Justice Liu said. “Both Asian-Americans coming up have to seek it and those who are in decision-making capacities in law firms and government offices need to be aware and cultivate this very talented pool of people.”

In an interview with Law360, NAPABA President Cyndie M. Chang echoed Justice Liu’s statements.

“I want our members to take a pause and think about what this means and what areas do we need to advance Asian-Americans in the legal profession,” said Chang, who is also the managing partner of [Duane Morris LLP’s Los Angeles](#) office. “But I’d also like our members to think about how to distribute the findings to the greater industry so that they understand the challenges and the implicit biases [against] Asian-Americans in the law.”