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Slow Progress in Diversity Among Pa. Trial Lawyers

Lizzy McLellan and MAx Mitchell, The Legal Intelligencer

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The number of female and minority attorneys at plaintiffs firms in Pennsylvania has shown little change since last year, according to The Legal's eighth annual survey looking at diversity at the largest plaintiffs firms in the state. But a few firms stood out from the rest by adding to the diversity of the trial bar. And there has been progress since The Legal's first study of diversity in the trial bar eight years ago.

The 2015 survey included for the first time Mincey & Fitzpatrick, a plaintiffs firm with five attorneys, all black.

At Pond Lehocky Stern Giordano, new hires brought the firm to have equal numbers of male and female attorneys. Pond Lehocky also brought on three more minority attorneys this year.

Sheller P.C. also brought its gender ratio to 1-to-1 in the last year.

Overall, the statistics have improved notably since 2007, when the first diversity report was published. That year, of 301 attorneys at 24 firms surveyed, 3 percent belonged to a minority group and 23 percent were women. In 2015, more than 6 percent of all 489 trial lawyers at 32 firms surveyed were minorities.

The 6 percent figure is skewed slightly upward by the addition this year of Mincey & Fitzpatrick. When looking at the 31 firms that were included in both the 2014 and 2015 surveys, only one additional minority lawyer was among their ranks year over year, bringing the figure to about 5.7 percent in 2015.

The percentage of women at all firms surveyed also increased from 23 percent in 2007 to about 28 percent now.

Most firms surveyed, however, saw little or no change in the demographics of their attorneys from the 2014 report, and a number of firms lost one or two female or minority attorneys.

"I think a lot of it has to do with where [firms are] looking for their hires and who they're willing to take chances on," said Kevin V. Mincey of Mincey & Fitzpatrick. "Of all the new hires that all these plaintiffs firms made, are you going to tell me that no black people were interested?"

Mincey said many firms rely on small networks and word-of-mouth when hiring, which can return a small pool of candidates.

"If people are serious about hiring for diverse lawyers, they'll advertise their openings in places where diverse lawyers can see them," he said.

Priscilla Jimenez, an attorney at Kline & Specter and president-elect of the Hispanic Bar Association of Pennsylvania, said her organization receives notices about job openings from some firms. She said the HBAPA has benefited from sponsorships from the Philadelphia Trial Lawyers Association, and firms including Kline & Specter and Duffy + Partners.

"In general, I think that we have a long way to go, but I do feel like we're at least starting the process of moving toward a more diverse profession," she said.

Monique Myatt Galloway, an associate at Kessler Topaz Meltzer & Check and president of the Barristers' Association of Philadelphia, said diversity hiring initiatives and mentoring programs are in place, and association heads are watching to see what those relatively new programs will yield. So far, Galloway said she has not seen the progress she hoped for.

"We have a long way to go," she said.

But recent attention on the numbers has helped the plaintiffs bar to take a harder look at how closely its population represents that of the larger community, which is an important step in increasing the diversity, Galloway said.

Jimenez said she has also noticed more attorneys joining affinity groups, and an increase in membership at the HBAPA.

"It's not like these attorneys magically appeared overnight. It's just that they're now self-identifying," Jimenez said. "I think it's probably because they feel more safe in identifying as a minority where before they might have felt there would be a repercussion."

Joseph Messa, president of the Philadelphia Trial Lawyers Association, said the association has been working with the HBAPA and the Barristers' Association to help increase diversity in the plaintiffs bar.

"Trial lawyers as an organization should reflect society as a whole," Messa said.

Messa noted the PTLA has a job bank aimed at more directly connecting attorneys and firms that are looking to hire.

"I haven't seen that used as much as it could be," Messa said. "I would love to see more diverse candidates putting their applications in there."

Mincey noted that presidents of the trial lawyer associations have reached out to affinity groups in recent years. He said it would be beneficial if trial firms just posted their openings on the websites of affinity associations.

"There's a relationship there, but it can always be better," he said.

Samuel H. Pond of Pond Lehocky said that, while his firm always looks for the most qualified candidate for any position, he is also mindful of keeping a diverse staff.

"We have a very diverse client base, and consequently we want ... staff that come from diverse backgrounds," Pond said, adding that he felt his firm had earned a "passing grade" in meeting that goal. "I think we're doing an OK job, but clearly we could be doing a better job."

Pond said increasing diversity at a firm can be difficult, and that there could be a communication breakdown between diverse applicants, bar associations and firms looking to hire. For example, Pond said his firm has not seen the number of black applicants he would expect given the demographics of Philadelphia as a whole.

"I'm bewildered why we don't have more applicants that are African-American," Pond said. "I know they're out there. It's been difficult for us to find and recruit them."

Pond noted trial lawyer associations can sometimes overlook smaller firms, so proactive strategies coming from firm leadership remains one of the most effective ways to increase the number of diverse attorneys at any one firm.

According to Galloway, one of the forgotten steps in creating a more diverse plaintiffs bar is attorney retention.

"It's not just about the recruiting. Firms must make folks feel valued to retain them," Galloway said.

Galloway said including attorneys in the decision-making process and supporting their business development and networking efforts could go a long way toward retention. It's important to make attorneys feel the firm is investing in its mission by supporting its diverse attorneys, she said.

According to Messa, one major hurdle for diversity in the plaintiffs bar is that there is much less turnover and hiring than at larger defense firms. While there are a few plaintiffs firms above 30 attorneys, many have three lawyers and fewer, and the plaintiffs bar as a whole is not expanding, Messa said.

"When you look at the majority of firms—one-, two- and three-lawyer firms—job openings don't come around as frequently," Messa said. "For whatever reason, we don't have as many openings."

As for the attorneys at Mincey & Fitzpatrick, Mincey said their example may help other firms to seek diversity as a priority. He said clients who come to the firm can relate to the backgrounds and experiences of the attorneys and other staff.

"We can talk about diversity and wait for people to hire us, or sometimes you have to make your own opportunity where there is one," he said. "People are realizing that maybe a way for them to be prosperous is to make their own path."

THE NUMBERS

In comparing the firms surveyed in both last year and this year, the total number of lawyers at the largest plaintiffs firms in Pennsylvania decreased from 494 to 484. The total number of minority attorneys increased by one.

At the 31 firms surveyed in both the 2015 and 2014 reports, for 2015, 28 of the 484 lawyers

were minorities, about 5.7 percent. Last year's report showed a nearly identical percentage of minority attorneys.

The number of firms surveyed that had no diverse attorneys among their ranks stayed the same at 14 firms. Six firms had more than one minority attorney, a decrease from eight last year.

As for the number of female attorneys at the firms surveyed both years, the number rose from 130 last year to 135 this year. The number of firms that were made up of more than 30 percent female lawyers stayed at 13.

Four firms had neither a female attorney nor a minority attorney this year, up from two last year.

The only firm not included in these calculations was Mincey & Fitzpatrick, since it was not included in last year's survey.

Lizzy McLellan can be contacted at 215-557-2493 or lmclellan@alm.com. Follow her on Twitter [@LizzyMcLellTLI](https://twitter.com/LizzyMcLellTLI).

Max Mitchell can be contacted at 215-557-2354 or mmitchell@alm.com. Follow him on Twitter [@MMitchellTLI](https://twitter.com/MMitchellTLI).

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