



# • A Portrait of Asian Americans in the Law

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**Cover Images:**

Legal staff at Poston Camp No. 1, Jan. 4, 1943. From left to right: Cap Tamura, Franklyn Sugijama, Tom Masuda, Elmer Yamamoto, Saburo Kido. Mr. Kido was the National President of the Japanese American Citizens League. Photographer: Francis Stewart. Poston, Arizona.

Congresswoman Patsy Mink. Photographer: Ralph Crane.  
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You Chung Hong in New Chinatown, 1950s. The Huntington Library, Art Collections, and Botanical Gardens.

*These images, drawn from a limited historical record, provide a few examples of pathbreaking Asian American lawyers. But they do not represent the full diversity of the forebears of today's Asian American legal community.*

**Design:** Isometric Studio

# A Portrait of Asian Americans in the Law

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2	Executive Summary
4	Background and Purpose of the Study
6	Study Design
8	Major Findings
8	Law School
12	Clerkships and Transition to Practice
17	Law Firms
20	Prosecutors and Public Defenders
22	Government Attorneys
24	Judges
26	Legal Academia
27	Career Satisfaction and Aspirations
29	Obstacles to Professional Advancement
35	Mental Health
38	Discussion
40	Acknowledgments
41	Notes

# Executive Summary

Asian Americans are not new to the legal profession. But as we were reminded in 2015 when the California Supreme Court granted posthumous bar membership to a Chinese applicant denied admission in 1890,<sup>1</sup> Asian Americans long faced exclusion from the legal profession, which rendered them subjects of the law but not its architects or practitioners. Today, Asian Americans make up a significant number in law schools and the legal profession writ large. Within the span of a generation, Asian Americans have become a visible presence in all sectors of the legal profession. They work as big firm lawyers, small firm or solo practitioners, government attorneys, corporate counsel, prosecutors, public defenders, judges, and more. The participation of Asian Americans in the legal profession has reached levels unthinkable just 30 years ago.

• *A Portrait of Asian Americans in the Law* provides a systematic account of how Asian Americans are situated in the legal profession.

Since 2000, the number of Asian American lawyers has grown from 20,000 to 53,000 today, comprising nearly 5% of all lawyers nationwide. Through wide-ranging data analysis, focus groups, and a national survey, we have assembled a comprehensive portrait documenting the rise of Asian Americans in the law, their distribution across practice settings, and the challenges they face in advancing to the top ranks of the profession. Our key findings include the following:

- Over the past three decades, the number of Asian Americans in law school has quadrupled to roughly 8,000, now comprising nearly 7% of total enrollment—the largest increase of any racial or ethnic group.
- But since 2009, Asian American first-year enrollment has fallen by 43%—the largest decline of any racial or ethnic group. The number of Asian Americans who entered law school in 2016 was the lowest in more than 20 years.
- After law school, Asian Americans are more likely than other racial or ethnic groups to work in law firms or business settings, and they are least likely to work in government. Few Asian Americans report that gaining a pathway into government or politics was a primary reason they attended law school.

- Although Asian Americans comprised 10.3% of graduates of top-30 law schools in 2015, they comprised only 6.5% of all federal judicial law clerks.
- For nearly two decades, Asian Americans have been the largest minority group in major law firms. But they have the highest attrition rates and the lowest ratio of partners to associates among all groups.
- Although a significant number of Asian Americans serve as line prosecutors and government attorneys in some agencies and jurisdictions, their numbers dwindle at the supervisory level. In 2016, there were only 3 Asian Americans serving as United States Attorneys, and in 2014, there were only 4 Asian Americans serving as elected district attorneys nationwide.
- Despite recent progress, only 25 Asian Americans serve as active Article III judges, comprising 3% of the federal judiciary. Asian Americans comprise 2% of state judges.
- Many Asian American attorneys report experiencing inadequate access to mentors and contacts as a primary barrier to career advancement.
- Many Asian American attorneys report implicit bias and stereotyped perceptions as obstacles to promotion and advancement. Among Asian American attorneys, women are more likely than men to report experiencing discrimination on the basis of race.
- Asian American attorneys may experience mental health challenges at a higher rate than the legal profession as a whole.

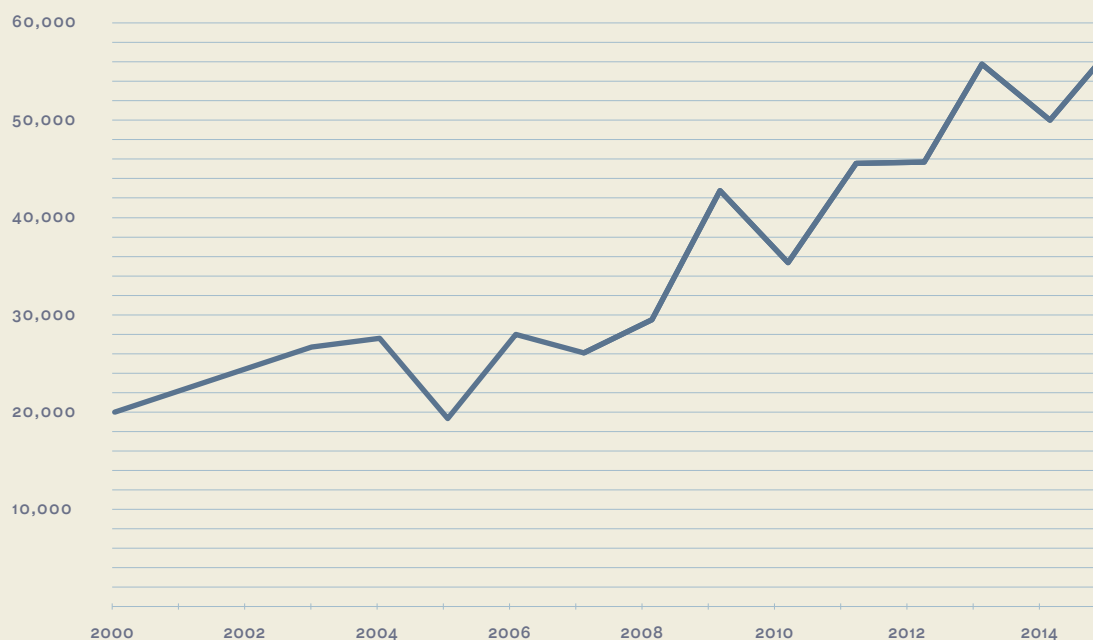
Overall, Asian Americans have penetrated virtually every sector of the legal profession, but they are significantly underrepresented in the leadership ranks of law firms, government, and academia. Our study provides a descriptive account of this central finding, laying the groundwork for future exploration of causal mechanisms and potential solutions. Asian Americans have a firm foot in the door of the legal profession; the question now is how wide the door will swing open.

# Background and Purpose of the Study

Over the past three decades, Asian Americans have dramatically increased their presence in the legal profession. In 1983, there were around 2,000 Asian American and Pacific Islander students enrolled across all ABA-accredited law schools, comprising less than 2% of total enrollment.<sup>2</sup> By the mid-2000s, Asian American and Pacific Islander enrollment had increased more than five-fold to over 11,000 students.<sup>3</sup> The number of Asian American lawyers has more than doubled since the year 2000.<sup>4</sup> There are now over 53,000 lawyers who are Asian American, comprising 4.7% of all lawyers in America.<sup>5</sup> The number of Asian American lawyers will keep growing for at least another decade as the size of the cohorts coming into the profession continues to exceed the size of the cohorts aging out.<sup>6</sup>

**FIGURE 1.**  
**NUMBER OF ASIAN AMERICAN LAWYERS, 2000–2015**

SOURCE: U.S. Bureau of Labor Statistics; Institute for Inclusion in the Legal Profession



Although the American Bar Association and other groups regularly publish data on diversity in the legal profession, there has not yet been a comprehensive study of the career paths of Asian American law students and lawyers. Perhaps the closest effort is the wide-ranging longitudinal study, *After the JD*, which examines the career paths of a national cohort of nearly 4,000 lawyers, including more than 200 Asian Americans.<sup>7</sup> Building on that study and others, this project—*A Portrait of Asian Americans in the Law* (the Portrait Project)—is an initial effort toward a systematic understanding of how Asian Americans are situated in the legal profession. We aim to describe the rise of Asian Americans in the law as well as the incentives and choices that influence their career paths. This information is intended to provide an empirical grounding for broader conversation within and beyond the Asian American community about the unique challenges and opportunities Asian Americans face in the legal profession and possible directions for reform.

• We address five broad sets of questions:

1. How are Asian Americans distributed across law schools and the legal profession? In what sectors and positions are they overrepresented or underrepresented?
2. What factors influence how Asian Americans are distributed in the legal profession? What motivations or aspirations do Asian Americans have when they decide to attend law school? What incentives and obstacles—familial, societal, financial, or professional—affect the career decisions of Asian American law students and lawyers? What stereotypes do they face in navigating the legal profession? In what ways do they seek to counter or assimilate to those stereotypes?
3. Are Asian American lawyers satisfied with their careers? With what aspects of their careers are they most satisfied? Least satisfied? Does their career satisfaction vary over the course of their career?
4. To what extent have Asian Americans achieved positions of leadership that enable them not only to practice and implement the law, but also to shape the law and the legal profession?
5. To what extent do Asian American lawyers experience mental health challenges? How do they compare on this dimension to the profession as a whole? How often do Asian American lawyers seek treatment?

# Study Design

## • Our study has three main components.

First, we canvassed and synthesized a broad array of existing information on Asian Americans in the law as well as literature on diversity in law schools and the legal profession. We also collected data through specific requests to government agencies and other organizations. This wide-ranging effort enabled us to assemble comprehensive statistics on Asian Americans in law schools and various sectors of the legal profession.

Second, we conducted 12 focus groups with 77 Asian American attorneys at the November 2015 convention of the National Asian Pacific American Bar Association (NAPABA) in New Orleans. We organized the focus groups by practice setting (large law firms, mid-size law firms, small firms, solo practitioners, nonprofit, government, corporate counsel, judges, prosecutors/public defenders, and students), with 4 to 12 participants in each group. The focus groups, each lasting one hour, used a standard script examining motivations for pursuing a legal career, experiences in law school, influences affecting career choices, obstacles to professional advancement, perceptions of discrimination, and the role of Asian American identity and affinity groups. Through the focus groups, we gained qualitative insights that informed our statistical findings and guided our construction of a survey instrument.

Third, we disseminated a 68-item survey (Portrait Project Survey or PPS) through NAPABA and affiliated networks to collect information from a larger population of Asian American lawyers. From each respondent, the survey gathered data on basic demographics, political participation, law school experiences, career choices and experiences in the legal profession, and future aspirations. Throughout this report, we have included quotes from both our focus group sessions and responses to our survey's open-ended questions.



• We received completed surveys from 606 respondents comprising:

- 57% women and 43% men;
- 11% under age 30, 41% ages 30–39, 30% ages 40–49, 12% ages 50–59, and 7% ages 60 and above;
- 66% born in the United States and 34% born abroad;
- 35% Chinese, 22% Korean, 11% Filipino, 11% Japanese, 10% Taiwanese, 8.3% Vietnamese, 7.8% Indian, and 6.5% other ethnicities;<sup>8</sup>
- 26% with neither parent having a bachelor’s degree, 21% with both parents having graduate degrees, and 5.5% with at least one parent having a law degree;
- 61% Democrat, 9% Republican, 12% Independent, and 12% with no political party registration;<sup>9</sup> and
- 46% in law firm or solo practice, 25% in government, 20% corporate counsel, and 6% in nonprofit organizations or academia.

Fifteen respondents reported graduation dates of 2017 or later, indicating that they were law students at the time of the survey. We have omitted their responses to questions on current employment.<sup>10</sup>

Because there are no population-wide data on many of the characteristics above, it is unclear whether the survey respondents comprise a representative sample of all Asian American lawyers. But it is significant that our sample comprises roughly 1% of Asian American lawyers nationwide and generally reflects Asian American enrollment trends over the past four decades.<sup>11</sup> Given the size of our sample, we are able to make valid comparisons among survey respondents on a variety of dimensions. Our sample is likely skewed in one obvious way: Because we administered our survey through NAPABA and affiliated networks, and because respondents filled out the survey on a voluntary basis, it is likely that the respondents have a stronger interest in Asian American identity or more strongly value the opportunities afforded by Asian American affinity groups than the overall population of Asian American lawyers.

A brief word about terminology: We use the term “Asian American” and “Asian” in accordance with their usage by cited sources. The terms are not necessarily interchangeable and may reflect variation in the included subgroups. For example, the term “Asian” may include foreign nationals, and “Asian American” sometimes but not always includes Pacific Islanders. We also use the terms “Hispanic” and “Latino,” as well as “Black” and “African American,” in accordance with their usage by cited sources.

# Law School

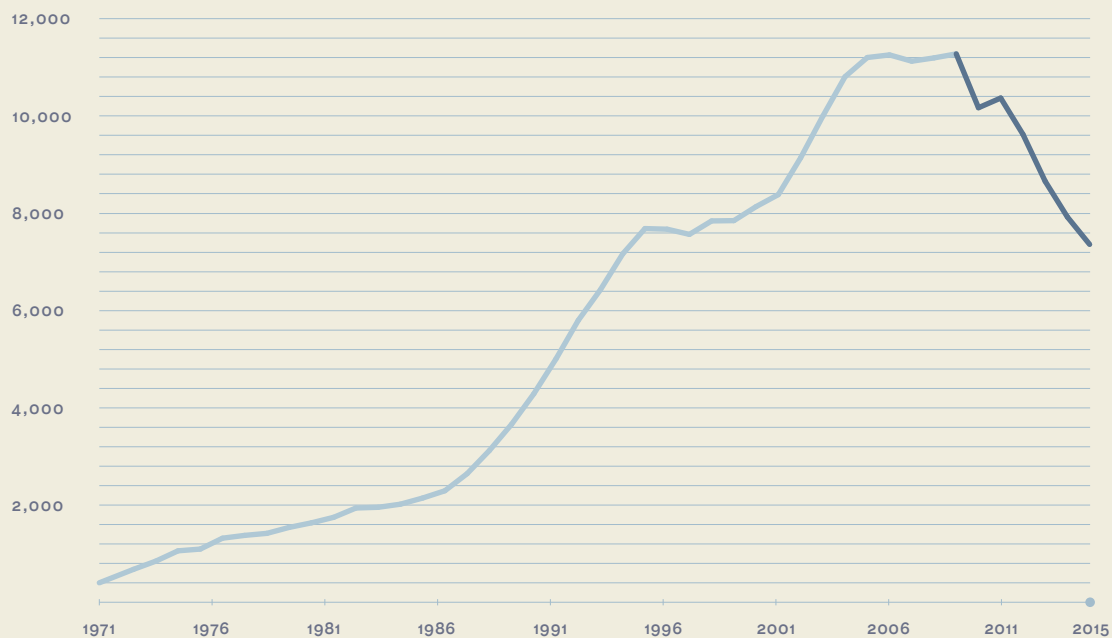
Over the past three decades, the enrollment of Asian Americans in law school has increased more than the enrollment of any other racial or ethnic group.

From a mere 1,962 students in 1983, Asian American enrollment rose to a peak of 11,327 in 2009 before declining to 8,975 in 2013. Whereas African American enrollment nearly doubled and Hispanic enrollment tripled from 1983 to 2013, Asian American enrollment more than quadrupled over that time. From 2003 to 2010, Asian Americans were the largest minority group attending law school, comprising 7% to 8% of total enrollment.<sup>12</sup>

“My parents were immigrant farmers; they got ripped off by people saying ‘the law didn’t allow this or that.’ I had to write documents for my parents, but I didn’t understand what I was doing. I felt motivated to understand this ‘thing’ that could be used against or for people.”

**FIGURE 2.**  
ASIAN OR PACIFIC ISLANDER J.D. ENROLLMENT, 1971–2015

SOURCE: American Bar Association



- But since 2009, the enrollment of Asian Americans has declined more than the enrollment of any other racial or ethnic group, and the number of Asian Americans who entered law school in 2016 was the lowest in more than 20 years.

From 2009 to 2016, whereas total first-year enrollment declined by 28%, Asian American first-year enrollment declined by 43%, from 3,987 to 2,263. The Asian American share of first-year enrollment in 2016, at 6.1%, was the lowest since 1997. Meanwhile, since 2009, first-year enrollment has declined by 34% among whites and by 14% among African Americans, while it has increased by 29% among Hispanics.<sup>13</sup>

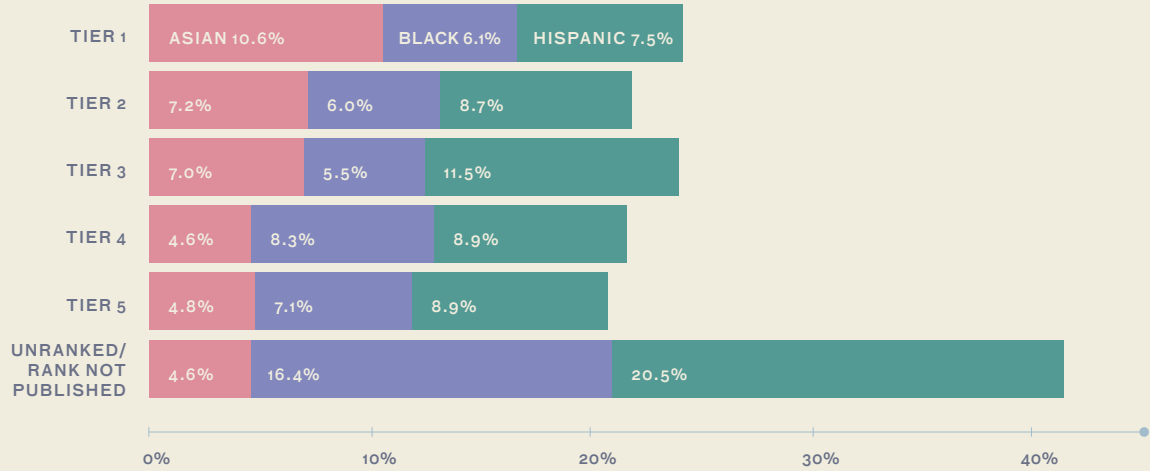
We found no simple relationship between the extent of Asian American enrollment decline and law school tier. It is possible that the 2008–2009 recession and instability in the legal employment market, together with the relative attractiveness of other professions, have disproportionately deterred qualified Asian Americans from pursuing law school. One recent study suggests that some schools are combating enrollment declines by recruiting more African American and Hispanic students,<sup>14</sup> which may help account for the decline of Asian American enrollment relative to other minority enrollment (but does not explain why Asian American enrollment has declined more steeply than white enrollment). Notably, the decline in Asian American enrollment since 2009 has not yet reached a plateau. This recent trendline deserves attention and further research.

- Asian Americans are disproportionately enrolled in higher-ranked schools.

In 2015, 34% of Asian American law students were enrolled in the top quintile of schools (the top 30 schools) ranked by *U.S. News & World Report*, compared to 21% of white students, 15% of African American students, and 14% of Hispanic students. More than half of Asian American law students in 2015 attended a law school in the top two quintiles.<sup>15</sup>

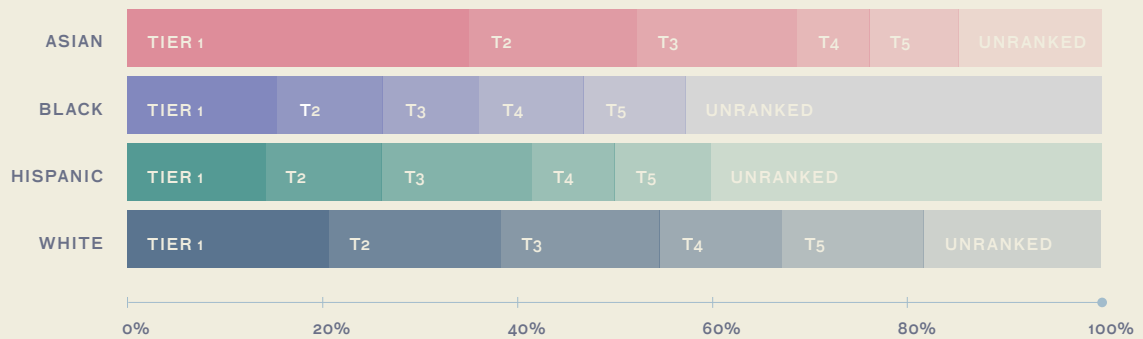
**FIGURE 3.**  
**MINORITY PERCENTAGE OF TOTAL J.D. ENROLLMENT BY TIER, 2015**

SOURCE: American Bar Association; U.S. News & World Report



**FIGURE 4.**  
**DISTRIBUTION OF EACH RACIAL OR ETHNIC GROUP ACROSS TIERS, 2015**

SOURCE: American Bar Association; U.S. News & World Report



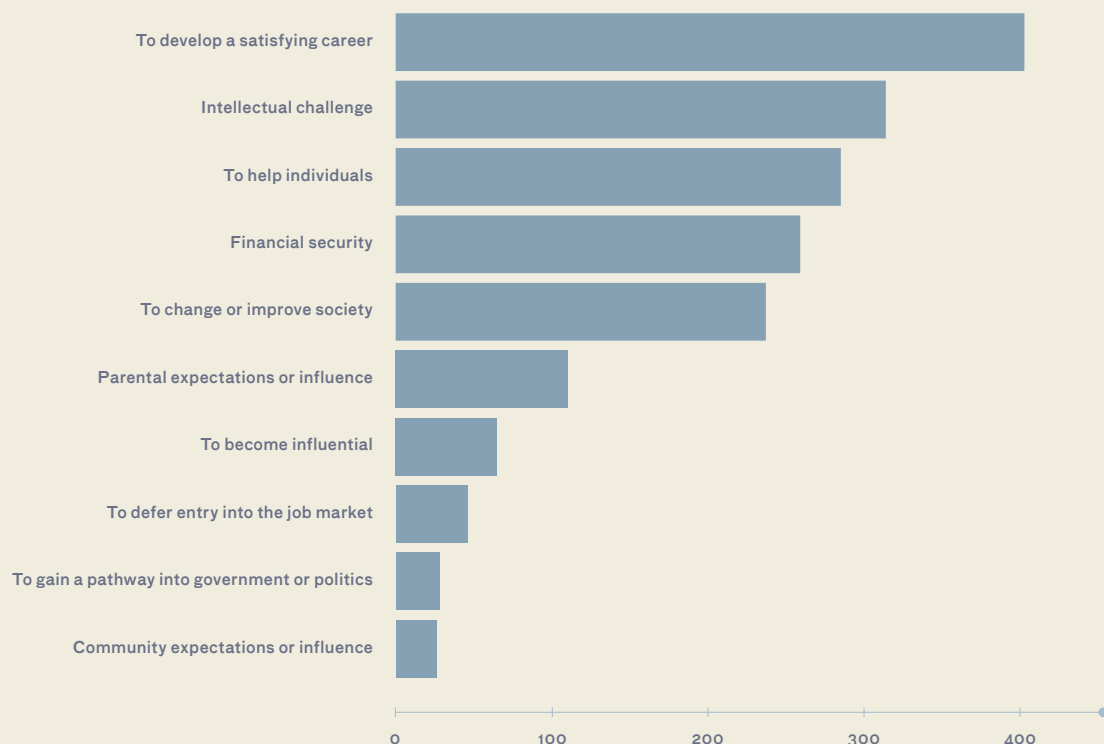
Very few Asian Americans report that one of their primary motivations for attending law school was to become influential or to gain a pathway into government or politics.

The motivations for attending law school that PPS respondents ranked as most significant were to develop a satisfying career, to challenge themselves intellectually, and to help individuals. Only 11% of PPS respondents indicated that one of their top three motivations for attending law school was to become influential; only 4.7% indicated that one of their top three motivations was to gain a pathway into government or politics. This is consistent with *After the JD*'s findings that Asians were less likely than other groups to indicate that an important reason they attended law school was to become influential and that Asians were far less likely than other groups to have considered politics as an alternative to a legal career. Only 14% of Asian respondents in the *After the JD* survey considered politics as an alternative career to law, compared to 34% of whites, 32% of blacks, and 27% of Hispanics.<sup>16</sup>

**FIGURE 5.**  
**TOP 3 REASONS FOR ATTENDING LAW SCHOOL**

Respondents were asked to rank how significant each of the ten listed factors was in motivating their decision to attend law school. This figure shows how many respondents ranked each factor as one of their top three motivators for choosing law school.

SOURCE: Portrait Project Survey



# Clerkships and Transition to Practice

- The percentage of Asian Americans serving as judicial clerks has been stagnant over the past two decades.

In 1995, Asian Americans comprised 6.4% of federal clerks and 4.5% of state clerks. Twenty years later, that percentage is only up 0.1% for both federal and state clerks. Other minority groups have fared little better. African Americans made up 5.5% of federal clerks and 5.4% of state clerks in 1995 compared to 4.2% of federal clerks and 6.4% of state clerks in 2015. Hispanics comprised 3.4% of federal clerks and 2.1% of state clerks in 1995 compared to 3.5% of federal clerks and 4.6% of state clerks in 2015.

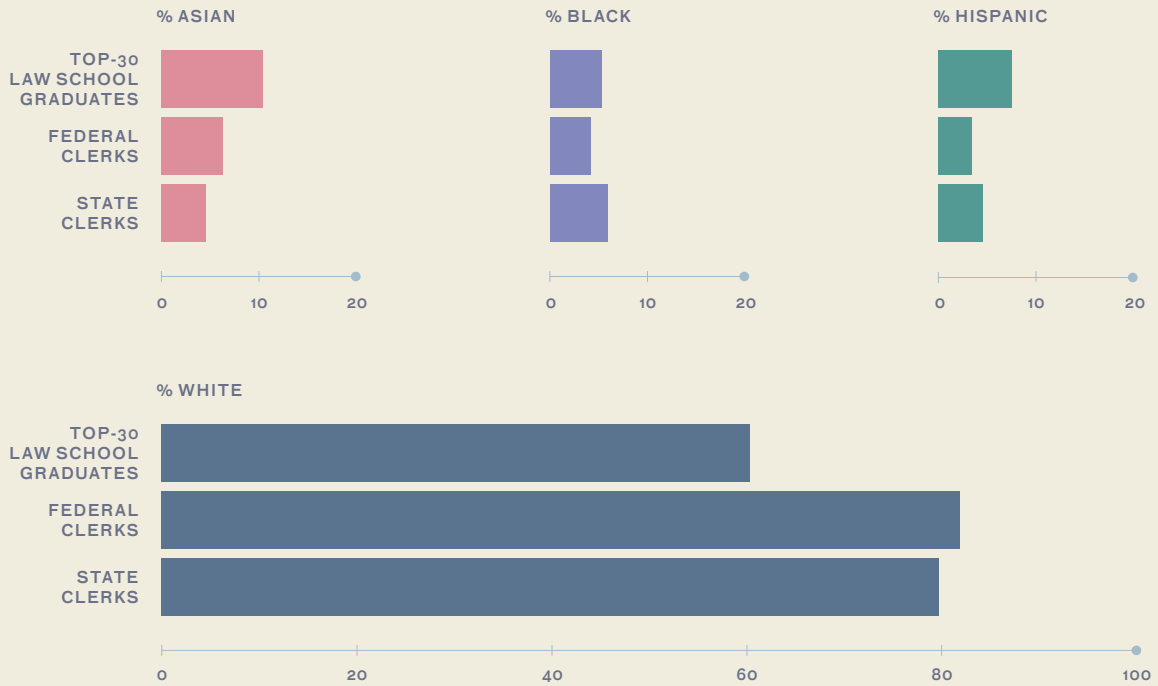
- The share of judicial law clerks who are Asian American is markedly lower than the share of graduates from top schools who are Asian American.

In 2015, Asian Americans comprised 10.3% of graduates from the top 30 schools ranked in the *U.S. News & World Report*. However, they accounted for only 6.5% of federal law clerks and 4.6% of state law clerks. The shares of federal clerkships going to African Americans as well as the shares of federal and state clerkships going to Hispanics likewise trail their respective shares among top-30 law school graduates. By contrast, whereas 58.2% of students from top-30 schools were white, they obtained 82.4% of all federal clerkships and 80.2% of all state clerkships.<sup>17</sup>

“I wish I could have found one or two people who would commit to mentoring me through law school, especially since there are no lawyers in my family or in my family’s immediate circle....I would have probably made much different choices with my career in the beginning had I known more about the industry.”

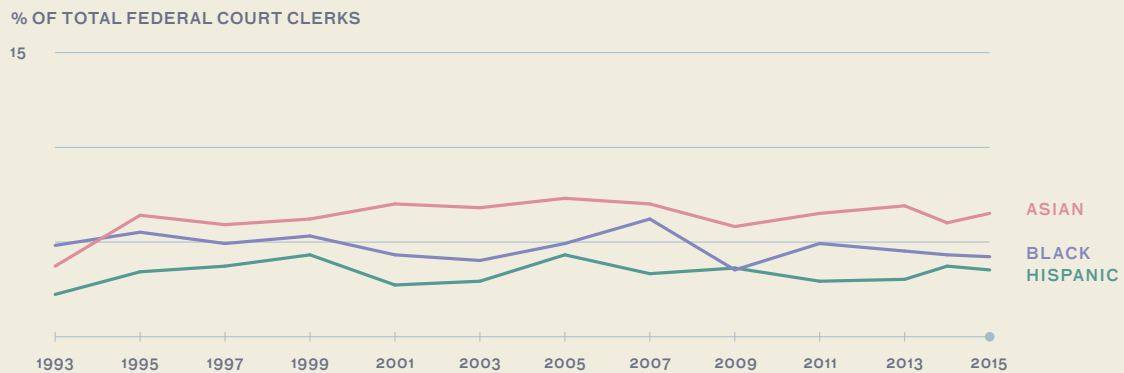
**FIGURE 6.**  
**TOP-30 LAW SCHOOL GRADUATES AND JUDICIAL CLERKSHIPS, 2015**

SOURCE: American Bar Association; National Association for Law Placement; U.S. News & World Report



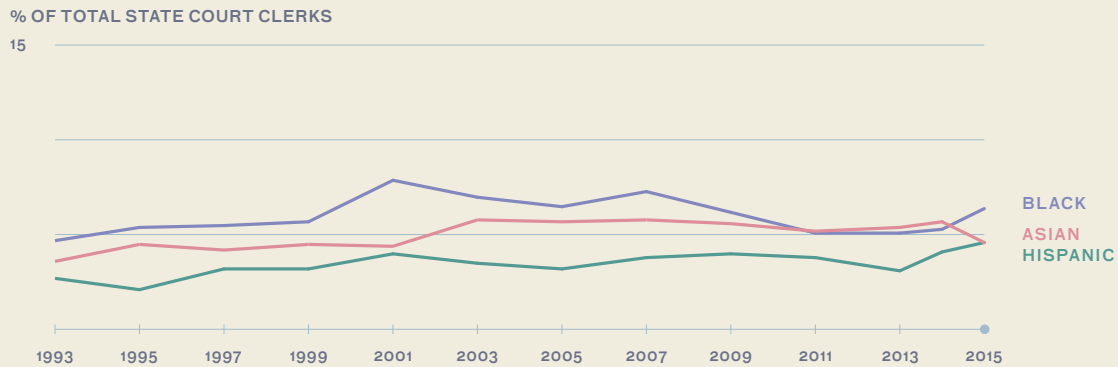
**FIGURE 7.**  
**MINORITY LAW CLERKS IN FEDERAL COURTS, 1993–2015**

SOURCE: National Association for Law Placement



**FIGURE 8.**  
**MINORITY LAW CLERKS IN STATE COURTS, 1993–2015**

SOURCE: National Association for Law Placement



- The likelihood of clerking is positively associated with having more than two mentors in law school.

In our survey, 30% of respondents who had more than two mentors in law school obtained a clerkship, compared to 19% of respondents with one or two mentors, 21% of respondents who sought mentors but had none, and 15% of respondents who did not seek or have mentors. Whereas 12% of respondents with more than two mentors obtained a federal appellate clerkship, the same was true of 4.6% of respondents with one or two mentors, 2.4% of respondents who sought mentors but had none, and 3.0% of respondents who did not seek or have mentors.

It is not clear from these data whether mentoring increases the likelihood of obtaining a clerkship or whether students who seek mentors, successfully or not, are better clerkship candidates. Both may be true. We note that although respondents who had one or two mentors do not differ much in their likelihood of clerking compared to those who had no mentors, the substantially higher likelihood of clerking among those with more than two mentors is suggestive. It is possible that students who find more than two mentors are especially strong clerkship candidates, and it is also possible that a multiplicity of mentors increases the likelihood of obtaining a clerkship. More research is needed to distinguish these hypotheses and their relative influence on outcomes.<sup>18</sup>

“My most important mentor was one of my law school professors. She taught me important research and writing skills and helped me develop my advocacy skills. She also wrote me letters of recommendation for my prior internships and my current job. She was, and continues to be, my biggest supporter, mentor and friend.”



- Compared to other groups, Asians graduate from law school with the lowest level of debt and the highest average salaries.

The *After the JD* study found that the average law school debt for Asians was \$66,254, compared to \$70,993 for whites, \$72,875 for Blacks, and \$73,258 for Hispanics.<sup>19</sup> Fourteen percent of Asians graduated with no debt, compared to 19% of whites, 6% of Blacks, and 5% of Hispanics.<sup>20</sup> Two years after bar admission, the mean salary was \$96,000 for Asians, compared to \$82,000 for whites, \$79,000 for Blacks, and \$77,000 for Hispanics and Native Americans.<sup>21</sup>

**FIGURE 9.**  
MEAN LAW SCHOOL DEBT AND SALARIES, 2002

SOURCE: After the JD

	ASIAN	BLACK	HISPANIC	WHITE
MEAN LAW SCHOOL DEBT	\$66,254	\$72,875	\$73,258	\$70,993
MEAN SALARIES 2 YEARS AFTER BAR ADMISSION	\$96,000	\$79,000	\$77,000	\$82,000

- In the initial years after bar admission, Asians are more likely than other groups, except whites, to work in private law firms or other business settings, and they are the least likely to work in government.

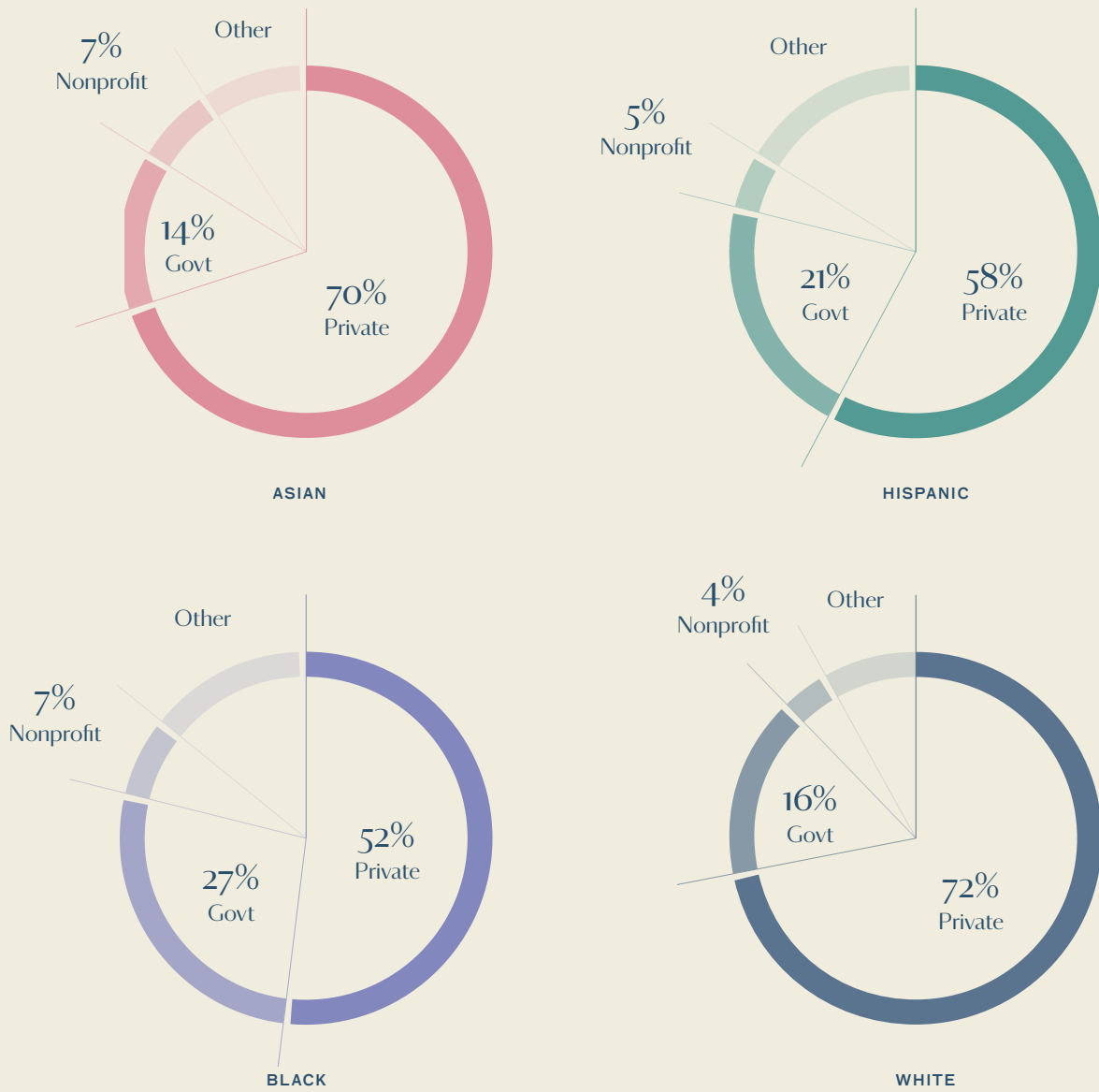
In the *After the JD* sample, 70% of Asians worked in law firms or business settings two years after bar admission, compared to 72% of whites, 52% of Blacks, and 58% of Hispanics.<sup>22</sup> By contrast, 14% of Asians worked in government, compared to 16% of whites, 27% of Blacks, and 21% of Hispanics.<sup>23</sup>

- In those initial years, Asians report the lowest level of satisfaction with their decision to become a lawyer.

According to *After the JD*, Asian American respondents averaged about a 3.8 out of 5 on career satisfaction compared to Hispanic respondents, who averaged 3.9 out of 5, and black respondents, who had the highest satisfaction scores and averaged 4.3 out of 5.<sup>24</sup> *After the JD* reports that Asians were more likely than all other groups to report a desire for more or better training, more or better mentoring, greater opportunity to shape decisions, and less pressure to bill.<sup>25</sup>

**FIGURE 10.**  
**JOBS 2 YEARS AFTER BAR ADMISSION, 2002**

SOURCE: After the JD



# Law Firms

- For nearly 20 years, Asian Americans have been the largest minority group at major law firms.<sup>26</sup>

In the National Association for Law Placement's 2016 report on major U.S. law firms, Asians comprised 7.0% of attorneys, whereas Hispanics comprised 3.3% and African Americans comprised 2.9%.<sup>27</sup> Law360's survey of over 300 firms found that in 2015, Asian Americans comprised 6.5% of U.S.-based attorneys, whereas Hispanics comprised 3.4% and African Americans comprised 2.9%.<sup>28</sup> A 2015 survey of 225 law firms by Vault and the Minority Corporate Counsel Association (Vault/MCCA) reported that Asian Americans comprised 11.4% of associates and 13.8% of summer associates, African Americans or Blacks comprised 4.22% of associates and 6.97% of summer associates, and Hispanics or Latinos comprised 4.77% of associates and 5.47% of summer associates.<sup>29</sup>

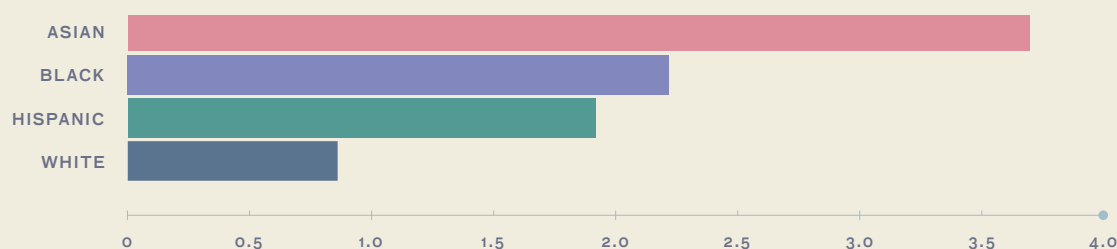
- Asian Americans have the highest ratio of associates to partners of any racial or ethnic group, and this has been true for more than a decade.<sup>30</sup>

In 2015, the ratio of associates to partners in the 225 firms surveyed by Vault/MCCA was 3.70 for Asian Americans, compared to 2.22 for African Americans or Blacks, 1.92 for Hispanics or Latinos, and 0.86 for whites.<sup>31</sup> Law360's survey of 289 firms similarly reported that in 2014 the ratio of non-partners to partners was 3.59 for Asian Americans, 2.37 for Blacks, 1.89 for Hispanics, and 0.98 for whites.<sup>32</sup>

We do not address whether these data reflect differences in the age distribution of attorneys belonging to each group. It is possible that the high ratio of associates to partners for Asian Americans is partly a function of how recently this group has entered the legal profession in substantial numbers. At the same time, as discussed below, Asian Americans have high attrition rates in law firms and reported significant obstacles to career advancement in our survey.

**FIGURE 11.**  
**RATIO OF ASSOCIATES TO PARTNERS, 2015**

SOURCE: Minority Corporate Counsel Association & Vault Law Firm Diversity Database



- Compared to their numbers within the overall law firm population, Asian Americans are less well represented than other groups at the management level.

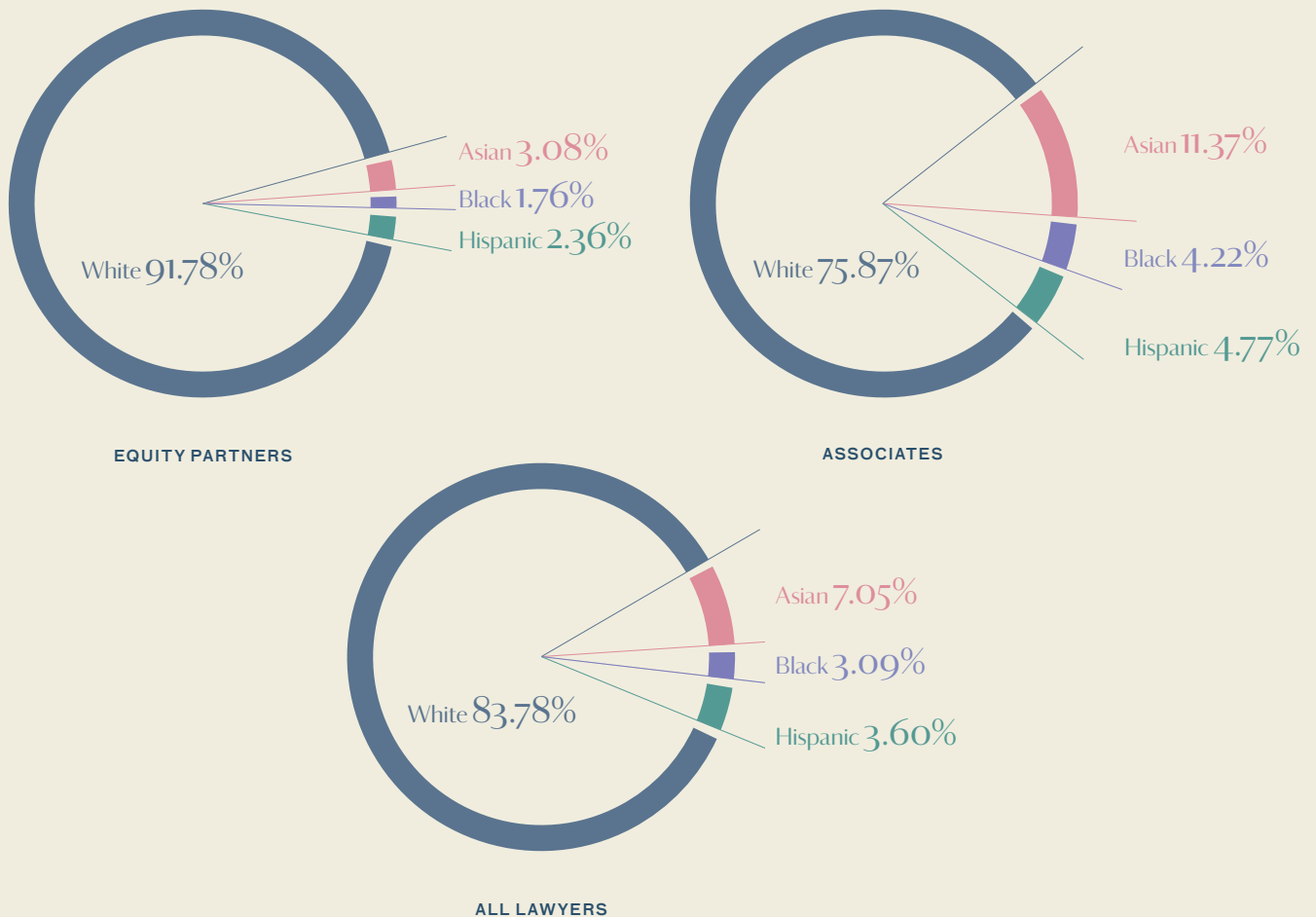
Although Asian Americans comprised 7.05% of all attorneys in the Vault/MCCA survey of 2015 data, they held 2.09% of seats on executive management committees, 2.32% of seats on partner review committees, and 3.78% of seats on associate review committees.<sup>33</sup> African Americans, Hispanics, and whites were better represented in these leadership roles relative to their respective numbers in the overall firm population.<sup>34</sup>

- Among Asian Americans, although women outnumber men among law firm associates, men outnumber women by almost twofold at the partner level.

In the Vault/MCCA survey of 2014 data, 56% of Asian American associates were women, while 36% of Asian American partners were women.<sup>35</sup> Among Blacks or African Americans, 58% of associates were women and 37% of partners were women, and among Hispanics or Latinos, 48% of associates were women and 30% of partners were women.<sup>36</sup> The ratio of men to women at the partner rank is less skewed among minority groups; across all groups, male partners outnumber female partners by more than three to one.<sup>37</sup> But there are signs of change: Among the 104 Asian Americans promoted to partner in the 2014 survey, 58 were women and 46 were men.<sup>38</sup>

**FIGURE 12.**  
**DEMOGRAPHICS OF LAW FIRM LEADERSHIP, 2015**

SOURCE: Minority Corporate Counsel Association & Vault Law Firm Diversity Database



The attrition rate for Asian Americans, as for other minority groups, is disproportionately high.

Whereas Asian Americans, Blacks or African Americans, and Hispanics or Latinos comprised 6.7%, 3.1%, and 3.5% of all attorneys, respectively, in the Vault/MCCA 2014 survey, they comprised 8.9%, 4.9%, and 4.3% of attorneys, respectively, who left their firms that year.<sup>39</sup> Vault/MCCA's 2015 survey revealed that 14% of Asian American attorneys left their firms that year, compared to 16% of Blacks or African Americans, 11% of Hispanics or Latinos, and 10% of whites/Caucasians.<sup>40</sup> According to *After the JD*, the number of Asian Americans working in firms with over 100 attorneys declined by 68% over the decade from 2 to 12 years after bar admission, compared to a 61% decline among Blacks, a 44% decline among Hispanics, and a 53% decline among whites.<sup>41</sup>

# Prosecutors and Public Defenders

- In some jurisdictions, significant numbers of Asian Americans serve as line prosecutors.
  - In 2014, among 5,508 Assistant U.S. Attorneys nationwide, 5.2% were Asian, 8.0% were Black or African American, and 5.2% were Latino.<sup>42</sup>
  - In 2015, among 2,996 full-time line prosecutors in county district attorney’s offices throughout California, 12.6% were Asian or Pacific Islander, 5.6% were Black, and 9.1% were Latino.<sup>43</sup> Asians comprise nearly 15% of the California population.<sup>44</sup>
  - In 2016, among 429 staff attorneys in the Manhattan District Attorney’s office, 8.6% were Asian, 10% were Black or African American, and 6.1% were Hispanic or Latino.<sup>45</sup> Asians comprise nearly 13% of the Manhattan population.<sup>46</sup>
  - In California, women significantly outnumber men among line prosecutors who are Asian or Pacific Islander.<sup>47</sup> The same is true for Black or African Americans, and the opposite is true for whites.<sup>48</sup> In the Manhattan District Attorney’s office, women significantly outnumber men among line prosecutors for all three of these groups.<sup>49</sup>
- The number of Asian Americans dwindles at the supervisory level and is vanishingly small among United States Attorneys and elected district attorneys.
  - Among the 94 United States Attorneys in office in 2016, there were 3 Asian Americans: one in Hawai’i, one in Guam and the Northern Mariana Islands, and one in the Southern District of New York.<sup>50</sup>
  - In 2015, among the 769 full-time supervisory prosecutors in California, 9.0% were Asian American or Pacific Islander, 6.6% were Black, and 11% were Latino.<sup>51</sup> Among 52 counties composing nearly 98% of California’s population, there was only 1 elected district attorney who is Asian or Pacific Islander.<sup>52</sup>

- In 2016, among the 161 supervising attorneys in the Manhattan District Attorney’s office, 4.3% were Asian American, 7.5% were Black or African American, and 6.2% were Hispanic or Latino.<sup>53</sup>
- A 2014 survey identified only 10 Asian Americans among the 2,437 elected prosecutors in the nation.<sup>54</sup> We independently sought to identify these 10 and, in so doing, found that only 4 of the 10 are actually Asian American. By comparison, the survey identified 64 African American and 41 Hispanic elected prosecutors. The vast majority of elected prosecutors in America—95% in the survey—are white.

**4** OF  
ELECTED PROSECUTORS IN  
THE UNITED STATES IN 2014  
WERE ASIAN AMERICANS

**3** OF THE  
UNITED STATES ATTORNEYS IN OFFICE  
IN 2016 WERE ASIAN AMERICANS

- There are no systematic data currently available on the demographics of public defenders.

Although the U.S. Department of Justice conducts an ongoing Census of Public Defender Offices, this data collection does not include attorney demographics.<sup>55</sup> As of 2016, the Justice Department was developing a survey instrument to collect information on public defenders nationwide, including demographic data.<sup>56</sup>

# Government Attorneys

- Over the past decade, Asian Americans have occupied an increasing share of attorney positions in the federal government.

According to 2015 data compiled by the U.S. Equal Employment Opportunity Commission, Asians comprised 6.7% of attorneys in 68 federal agencies, whereas Blacks comprised 8.3% and Hispanics or Latinos 4.8%.<sup>57</sup> Men outnumbered women by a ratio of 1.3 to 1 among white attorneys, while women outnumbered men by a ratio of 1.4 to 1 among Asians, by 1.9 to 1 among Blacks, and by 1.1 to 1 among Hispanics or Latinos. In 6 of the agencies with the largest numbers of attorneys, the share of attorneys who are Asian increased from 4.2% in 2005 to 6.4% in 2015.<sup>58</sup>

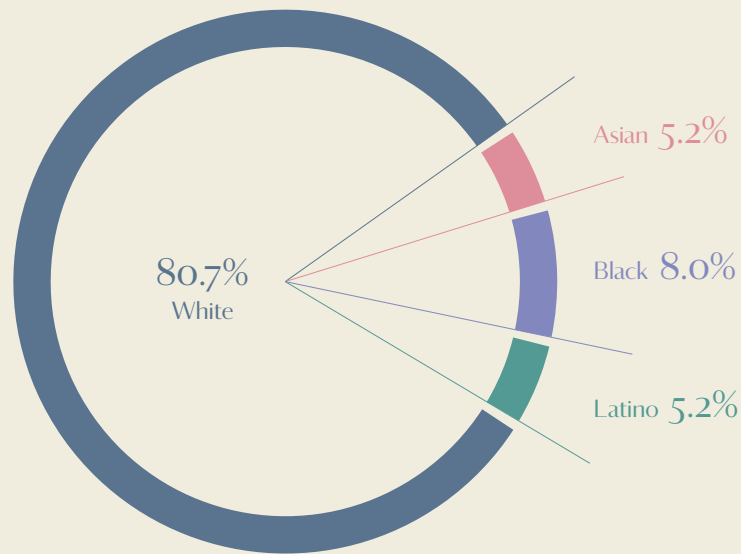
- The U.S. Department of Justice, the leading federal agency responsible for setting law enforcement and legal policy priorities, has the largest number of attorneys but a low percentage of Asian Americans compared to other agencies.

In 2015, Asian Americans comprised 5.7% of attorneys in the U.S. Department of Justice and 5.5% of attorneys in the Executive Office of the U.S. Attorneys, compared to 7.5% across all other agencies.<sup>59</sup> Among senior level positions in the Justice Department as of 2011, the percentage of Asians was even smaller at 3.1%.<sup>60</sup>



**FIGURE 13.**  
**ASSISTANT U.S. ATTORNEYS, 2013–2014**

SOURCE: Stanford Criminal Justice Center



• The percentage of attorneys who are Asian American dwindles at higher ranks of government.

In 2016, Asians made up 9.0% of GS-11 federal government attorneys, but only 5.6% of GS-15 attorneys (the highest civil service pay grade) and 5.2% of non-GS attorneys with annual salaries over \$150,000.<sup>61</sup>

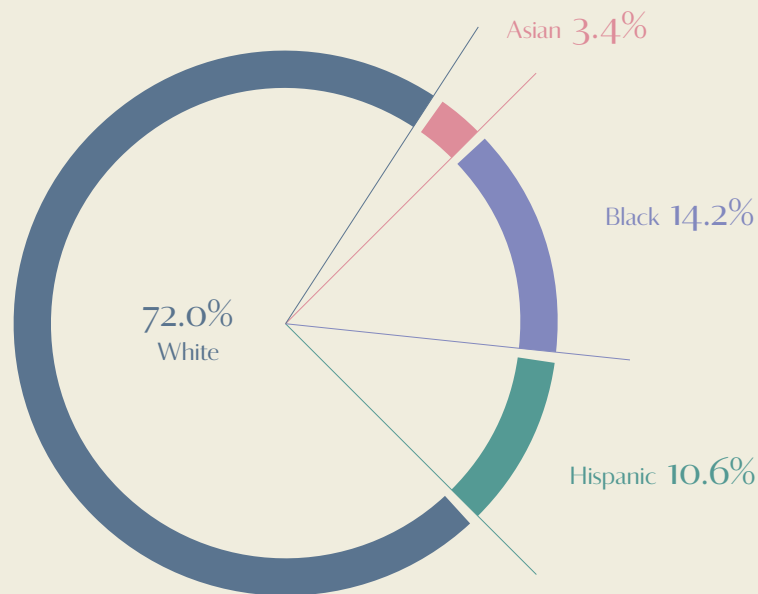
# Judges

The number of Asian Americans on the federal bench has increased over the past decade but remains small.

Only 37 Asian Americans have ever served as Article III judges. Among them, 25 are currently serving as active judges—19 as federal district judges, 5 as federal circuit judges, and 1 as a judge on the U.S. Court of International Trade—comprising 3.4% of the 744 authorized active federal judges, compared to 536 (72%) for whites, 106 (14.2%) for African Americans, and 79 (10.6%) for Hispanics.<sup>62</sup> In 2016, there were 47 Asians serving as federal administrative law judges, less than 3% of the total.<sup>63</sup>

**FIGURE 14.**  
**FEDERAL JUDGES, 2016**

SOURCE: Federal Judicial Center

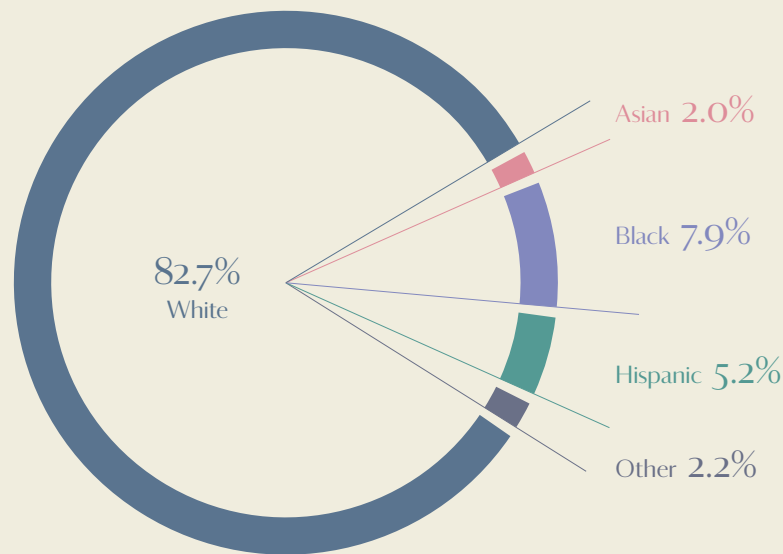


Asian Americans are less well represented among state judges than among federal judges.

In 2014, Asian Americans made up approximately 2% of 10,295 surveyed judges serving on a state appellate court or general jurisdiction trial court, compared to 82.7% for white non-Hispanics, 7.9% for African-Americans, and 5.2% for Hispanics. Forty states did not have a single Asian American judge serving on a state appellate court, and 21 states did not have a single Asian American judge serving on a state appellate court or general jurisdiction trial court. Asian Americans made up less than 1% of state appellate or general jurisdiction trial judges in another 12 states, including several with significant Asian American populations (e.g., Illinois, Maryland, New York, and Virginia).<sup>64</sup> Among the 334 state high court judges in the nation, we are aware of 8 Asian Americans.<sup>65</sup>

**FIGURE 15.**  
**STATE JUDGES, 2014**

SOURCE: The Gavel Gap: Who Sits in Judgment on State Courts?



Hawai'i and California have the most Asian American judges.

Over three-quarters of Hawai'i's state judges are Asian American.<sup>66</sup> In 2015, 108 (or 6.5%) of California's 1,674 judges were Asian, 110 (or 6.6%) were African American, and 165 (or 9.9%) were Hispanic or Latino.<sup>67</sup> In 2014, only 22 (or 1.8%) of New York's 1,250 judges were Asian American.<sup>68</sup>

# Legal Academia

- Although Asian Americans have made inroads into legal academia, their numbers remain low.

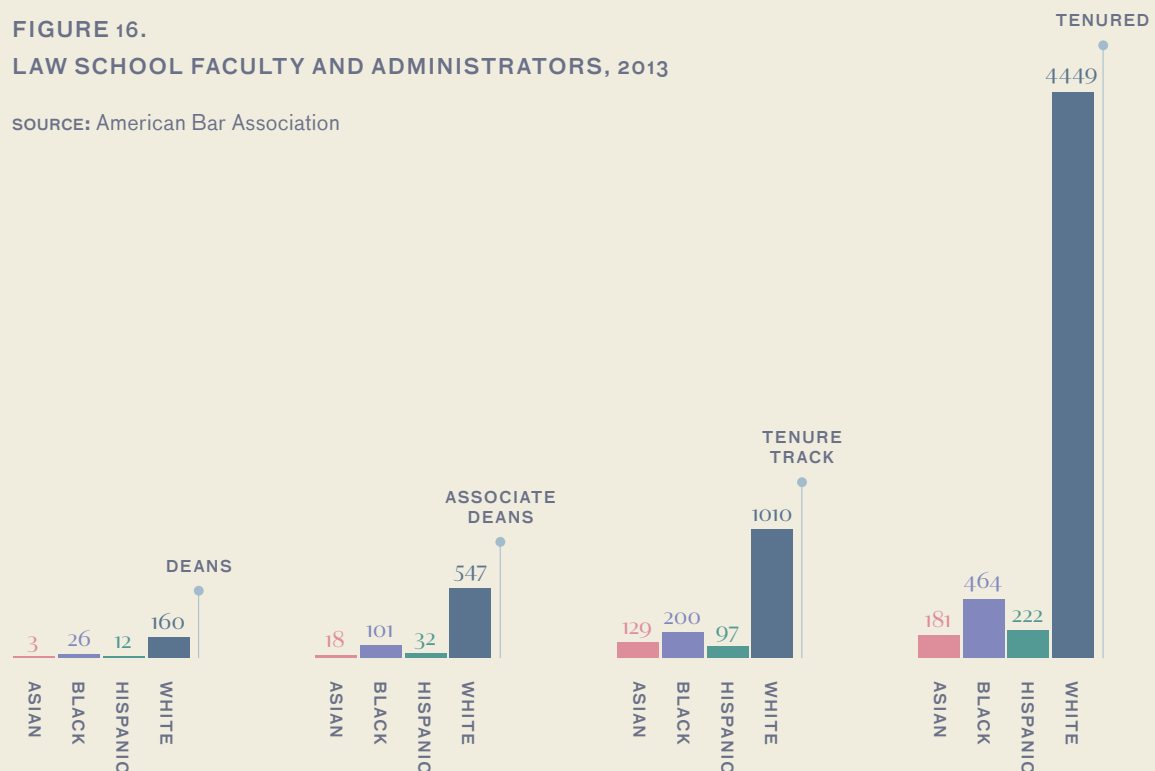
In 2013, among the 8,848 full-time law teachers in the United States, 383 (or 4.3%) were Asian American.<sup>69</sup> Among the 6,907 professors in tenured or tenure-track positions, 310 (or 4.5%) were Asian American.<sup>70</sup> By comparison, there were only 61 tenure-track or tenured Asian American law professors in 1992.<sup>71</sup>

- There are few Asian Americans in the ranks of academic administration and leadership.

In 2013, there were 3 Asian Americans among the 202 law deans in the country and 18 Asian Americans among the 709 associate or vice deans.<sup>72</sup>

**FIGURE 16.**  
LAW SCHOOL FACULTY AND ADMINISTRATORS, 2013

SOURCE: American Bar Association



# Career Satisfaction and Aspirations

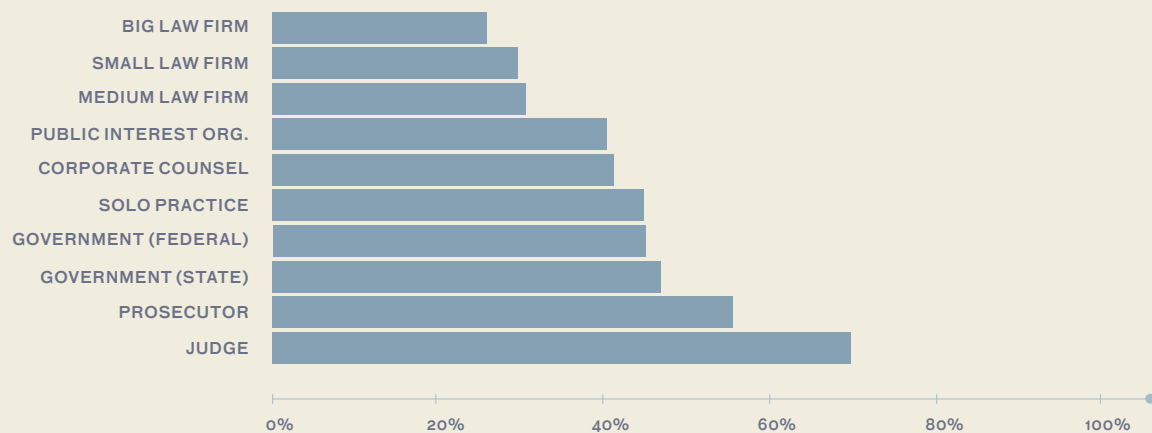
Among PPS respondents, those who work as judges, prosecutors, or government lawyers expressed the greatest satisfaction with their work, while those who work in law firms expressed the least satisfaction.

This is consistent with other research finding that lawyers in public service jobs report greater happiness and less alcohol consumption than lawyers in more lucrative private practices.<sup>73</sup>

**FIGURE 17.**  
**SATISFACTION WITH CHOOSING LAW**

We asked respondents how satisfied they were with their current employment. This figure shows the percentage of respondents per type of employment who answered “very satisfied.”

SOURCE: Portrait Project Survey



- A majority of PPS respondents (58%) indicated they wished to change practice settings, citing as their top reasons a desire for a better match with their interests, higher salary, work-life balance, and geographic location.

The lowest-ranked reasons were to participate or gain influence in the political process, prestige, to address the needs of underserved communities, and to advance issues or values important to the respondent. Over two-thirds of PPS respondents who work in law firms, compared to half of those who work in government and 39% of those who work as corporate counsel, said they would like to change practice settings.

- Among PPS respondents who wished to change practice settings, the settings most often identified as desirable were corporate counsel, the federal government, and nonprofit/public interest organizations.

A substantial number of respondents indicated interest in state government, academia, or the judiciary. Few respondents indicated interest in becoming a prosecutor or public defender/legal aid worker.

# Obstacles to Professional Advancement

- When asked to identify barriers to career advancement, PPS respondents most often cited inadequate access to mentors and contacts, lack of formal leadership training programs, and lack of recognition for their work.

Respondents who work in law firms were more likely than other respondents to indicate inadequate access to mentors and contacts, colleagues' lack of willingness to work together, and insufficiency of good assignments as significant barriers to career advancement.

“As an APA litigator, I believe that I am not selected for certain assignments (e.g., oral argument) because I am not seen as having enough ‘presence’ to effectively advocate in court.”

- Women were more likely than men to report experiencing barriers to career advancement.

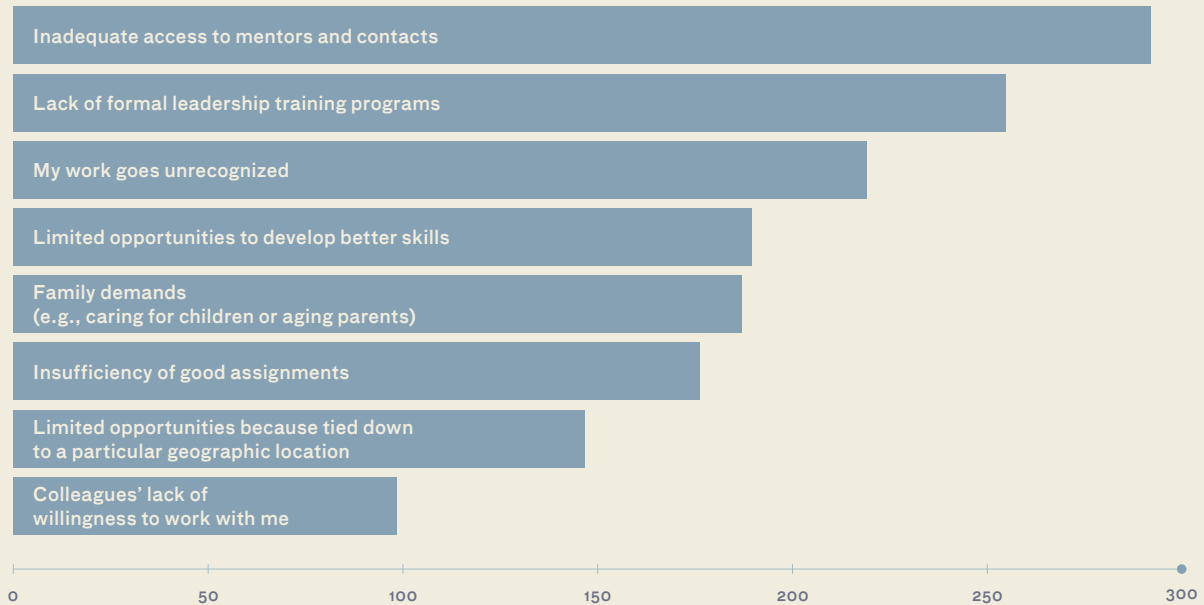
Among PPS respondents, 88% of women reported at least one barrier to career advancement, compared to 79% of men. The gender disparity was more pronounced for certain obstacles: 37% of women, compared to 24% of men, cited family demands, including caring for children or aging parents, and 41% of women, compared to 31% of men, cited lack of recognition for their work. These disparities are statistically significant and persist after controlling for age, ethnicity, immigrant generation, sexual orientation, and law firm employment.

“Being an Asian woman added another layer as men were often more interested in expressing themselves as romantic prospects as opposed to colleagues.”

**FIGURE 18.**  
**PERCEIVED BARRIERS TO CAREER ADVANCEMENT**

We presented survey respondents with a list of barriers to career advancement and asked them to select all of the ones they had encountered. This figure shows the number of respondents counted for each obstacle.

SOURCE: Portrait Project Survey



When asked what behaviors they exhibited in the workplace in considering their racial identity and possible discrimination, PPS respondents most commonly reported they “sometimes” sought out association with other Asian Americans for support.

On average, PPS respondents reported they did not often try to downplay traits that may bring attention to their Asian identity or avoid association with other Asian Americans. This is unsurprising since we conducted the survey through NAPABA and affiliated networks. Asian Americans who join these organizations are presumably inclined to embrace their racial identity, and they have voluntarily sought to associate with other Asian Americans for support and networking. Women were more likely than men to seek association with other Asian Americans and to seek association with other (non-Asian) identity groups for support.



According to PPS respondents, Asian Americans perceive the legal profession as associating them with certain stereotypical traits.

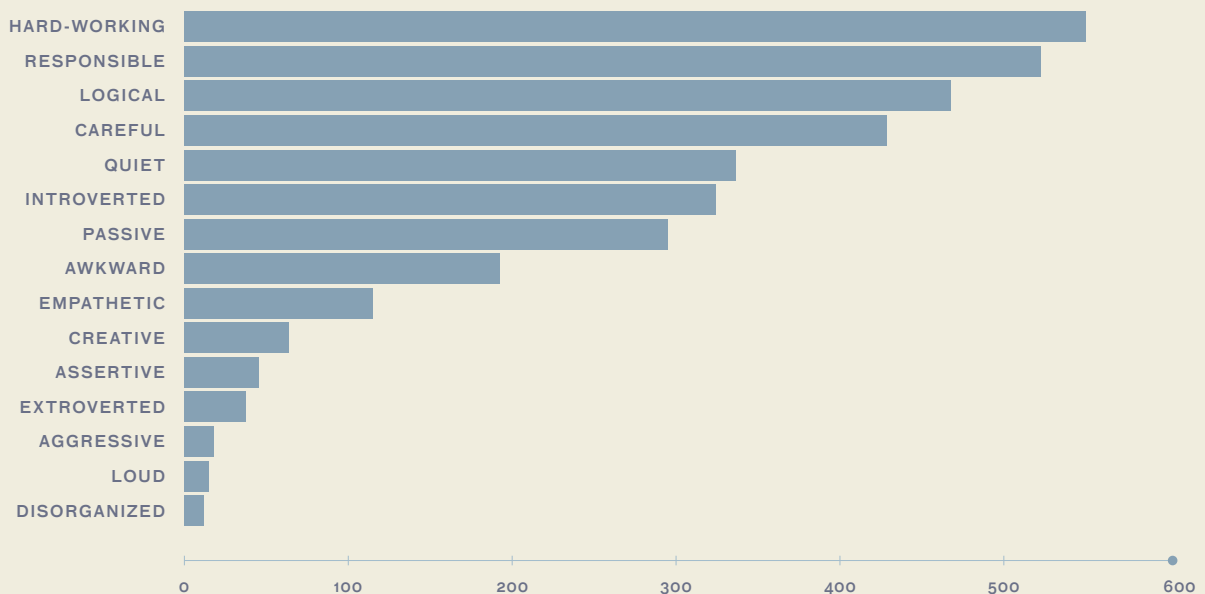
Many respondents reported being perceived as hardworking, responsible, logical, careful, quiet, introverted, passive, and awkward. By contrast, few respondents reported being perceived as creative, assertive, extroverted, aggressive, or loud. We found very few statistically significant differences in these reported perceptions across practice settings, which suggests the pervasive nature of these stereotyped perceptions.

“Asians work hard and do not say no to their superiors. With that, somehow I was the only one staying back to cover the team assignments when the others went out for yoga and wine.”

**FIGURE 19.**  
**TRAITS ASSOCIATED WITH ASIAN AMERICAN LAWYERS**

We asked survey respondents which of these traits they believed the legal profession associated with Asian American lawyers. This figure shows the number of respondents who answered that a certain trait was “very often” or “often” associated with Asian American lawyers.

SOURCE: Portrait Project Survey



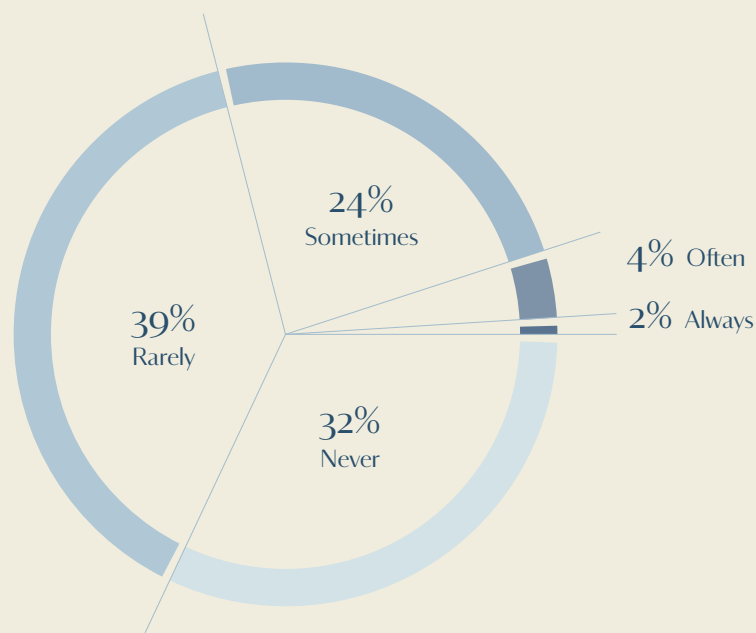
• Most PPS respondents did not perceive overt discrimination in the workplace because of their racial identity.

Approximately 71% of those who answered said they rarely or never perceive overt discrimination in the workplace, 24% said they sometimes do, and 6% said they often or always do.<sup>74</sup> Government attorneys were less likely to say they perceive overt discrimination than non-government attorneys.

“When I sent out 30 [resumes] with my Asian last name, [I] got zero callbacks. Sent one out with [my] married name, same resume, got about 10 callbacks.”

**FIGURE 20.**  
**PERCEPTIONS OF OVERT DISCRIMINATION**

SOURCE: Portrait Project Survey

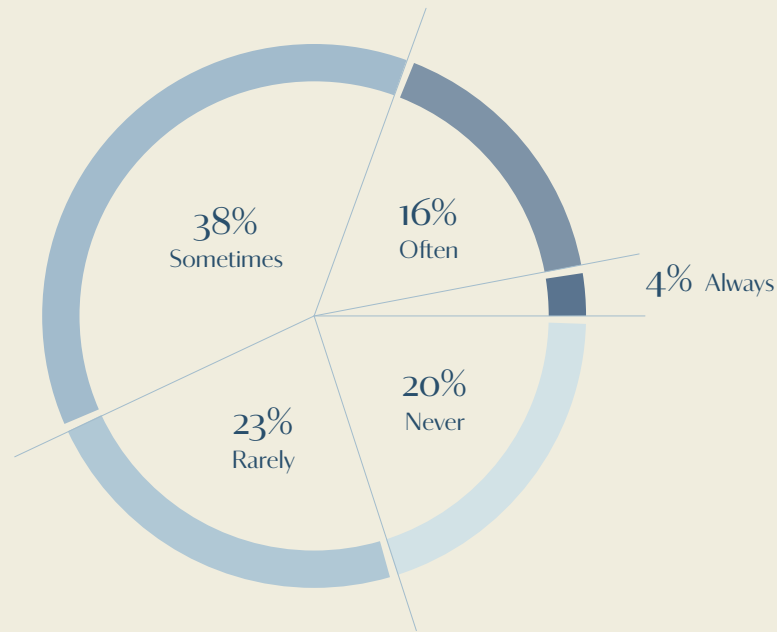


• Most PPS respondents do perceive implicit discrimination in the workplace because of their racial identity.

Approximately 20% of those who answered said they often or always perceive implicit discrimination in the workplace, 38% said they sometimes do, and 43% said they rarely or never do.

**FIGURE 21.**  
**PERCEPTIONS OF IMPLICIT DISCRIMINATION**

SOURCE: Portrait Project Survey



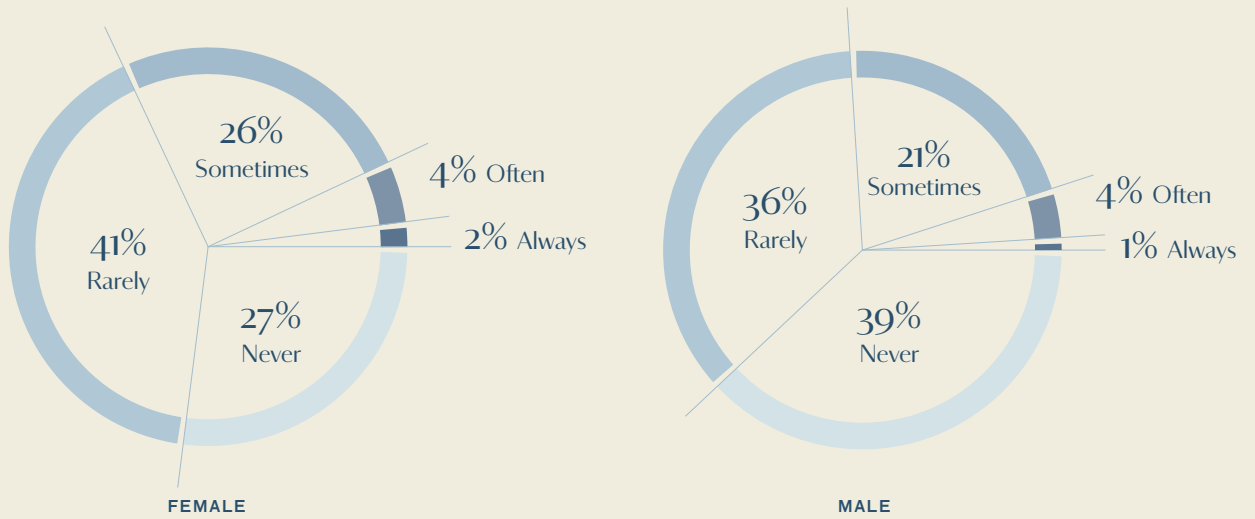
• Perceptions of discrimination differ by gender.

Among PPS respondents who answered the survey questions about perceptions of discrimination, 32% of women reported experiencing overt discrimination on the basis of race sometimes, often, or always at the workplace, compared to 26% of men, and 61% of women reported experiencing implicit discrimination on the basis of race sometimes, often or always at the workplace, compared to 53% of men. These disparities are statistically significant and persist after controlling for age, ethnicity, immigrant generation, sexual orientation, and law firm employment.

**“I’m an immigration lawyer. When I go to immigration court, I’m mistaken for the alien. When I go to jail to visit a client, I’m mistaken for their girlfriend.”**

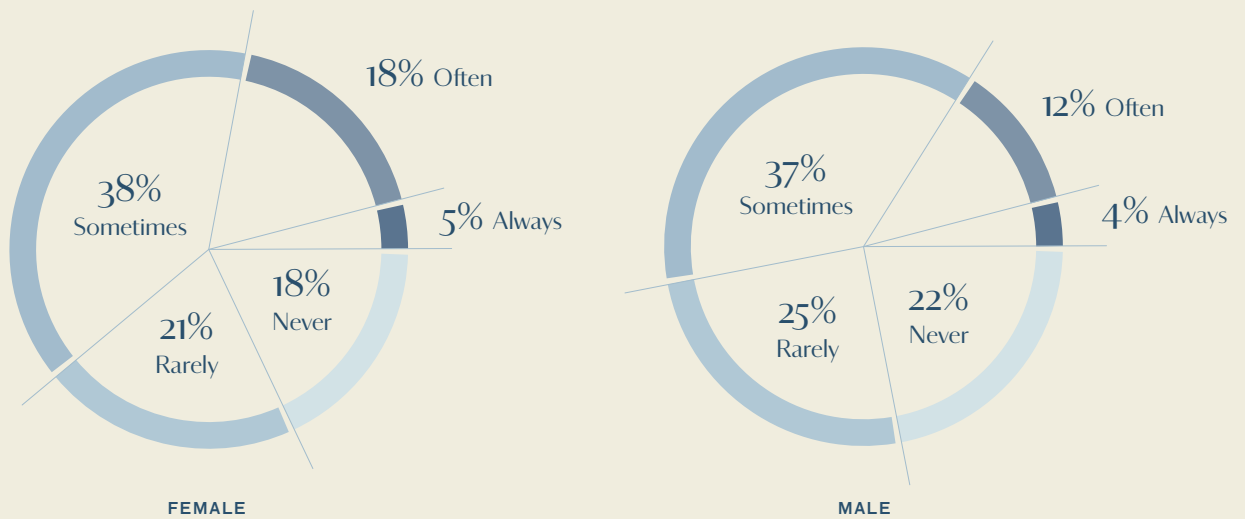
**FIGURE 22.**  
**PERCEPTIONS OF OVERT DISCRIMINATION, BY GENDER**

SOURCE: Portrait Project Survey



**FIGURE 23.**  
**PERCEPTIONS OF IMPLICIT DISCRIMINATION, BY GENDER**

SOURCE: Portrait Project Survey



# Mental Health

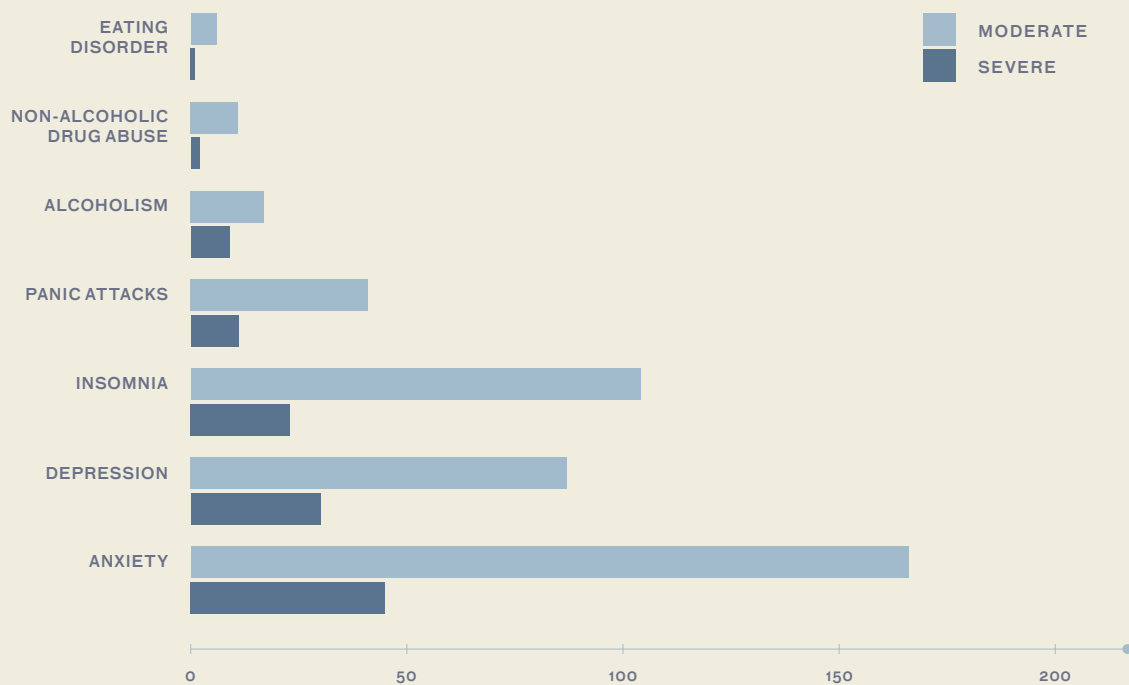
A substantial minority of PPS respondents reported moderate to severe mental health challenges during their legal careers.

Among respondents who answered the question, 36% reported moderate to severe anxiety, 22% reported moderate to severe insomnia, and 20% reported moderate to severe depression. Controlling for other factors, women were more likely than men to experience mental health challenges in law school and during their legal careers.

**FIGURE 24.**  
**MENTAL HEALTH CONCERNS DURING LEGAL CAREER**

This figure shows how many respondents reported experiencing each mental health challenge at either moderate (light blue) or severe (dark blue) levels.

SOURCE: Portrait Project Survey



• Asian American lawyers may experience mental health challenges at a higher rate than the legal profession as a whole.

A recent study of 12,825 American lawyers in the United States found that 61% reported anxiety, 46% reported depression, and 8% reported panic disorder (defined as recurring panic attacks),<sup>75</sup> whereas 72% of PPS attorney respondents who answered the question reported anxiety, 52% reported depression, and 23% reported panic attacks. However, PPS respondents may be less likely to experience alcohol or other substance abuse problems than the general attorney population. Whereas 11% of PPS respondents who answered the question reported alcoholism and 4% reported other drug abuse at mild, moderate, or severe levels, 23% of respondents in the national study reported that their use of alcohol or other substances had been problematic at some point in their lives.<sup>76</sup>

• Controlling for other factors, PPS respondents who work in law firms were 41% more likely than non-law firm respondents to report moderate or severe anxiety.

We found no statistically significant difference between private and public sector respondents on reported anxiety when controlling for law firm employment.

“[I] lack[ed] access to professionals who understand Asian American mental health concerns.”

• Controlling for other factors, PPS respondents with at least one parent with a law degree were 46% less likely than respondents with at least one parent with a college degree to report moderate or severe anxiety in law school.

Conversely, PPS respondents with at least one parent who did not graduate high school were 29% more likely than respondents with at least one parent with a college degree to report moderate or severe anxiety in law school. Interestingly, PPS respondents with at least one parent with some college but no degree were 31% less likely than respondents with at least one parent with a college degree to report moderate or severe anxiety in law school.

“It didn’t occur to me that I needed to, or should, seek treatment. I thought it was par for the course for lawyers to feel overly stressed, anxious, and unhappy about their work situation.”

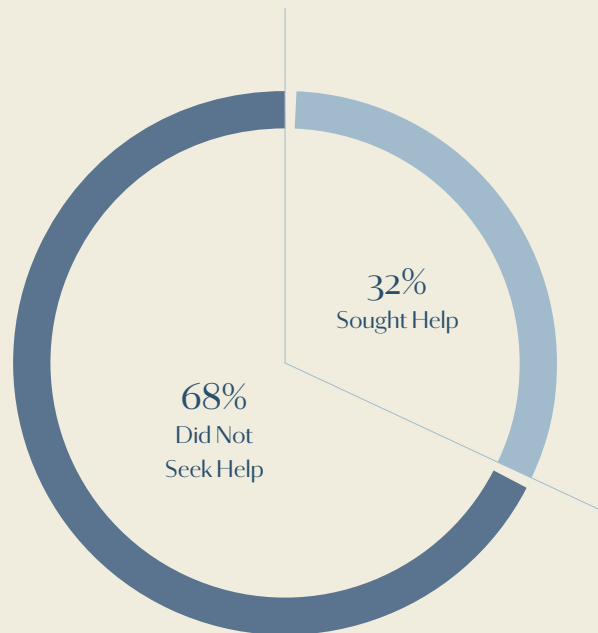
• Most PPS respondents who reported serious mental health challenges did not seek help or treatment.

Among respondents who reported mild, moderate, or severe panic attacks, alcoholism, drug abuse, or eating disorders, or who reported moderate or severe anxiety, depression, or insomnia, 68% did not seek help or treatment. Women were more likely than men to seek help during their careers.

“Treatment is not a cure. Success is the cure.”

**FIGURE 25.**  
**SEEKING PROFESSIONAL HELP OR TREATMENT**

SOURCE: Portrait Project Survey



# Discussion

• Our study documents the dramatic rise of Asian Americans in the legal profession over the past generation.

From the mid-1990s to the mid-2000s, Asian American enrollment in law school grew faster than the enrollment of any other group. Since 2009, however, Asian American enrollment has dropped more precipitously than any other group. This recent decline deserves attention and careful study.

As a variety of indicators show, Asian Americans have a foot in the door in virtually every sector of the legal profession. Now the question is how wide the door will swing open. In earlier times, the influence of Asian Americans in the legal profession was largely constrained by their small numbers. Today, the constraints increasingly have to do with career pathways, incentives, and barriers to promotion. It is possible that age and lack of seniority account for some of the underrepresentation of Asian Americans at the top ranks of the profession. But our study suggests other challenges as well.

• The barriers to career advancement facing Asian Americans lawyers are often subtle and not explicit, but they are nonetheless real.

One challenge has to do with perceptions. It is striking that across all sectors of the legal profession, Asian Americans report being perceived as hardworking, responsible, logical, and careful, but to a far lesser extent as empathetic, creative, extroverted, and assertive. Whereas Asian Americans are regarded as having the “hard skills” required for lawyerly competence, they are regarded as lacking many important “soft skills.”

A related challenge has to do with our finding that inadequate access to mentors and contacts was the most frequently cited barrier to career advancement among survey respondents. To the extent that mentoring and networking are conditioned by perceptions of sociability and conformity with cultural norms, Asian Americans may face particular obstacles rooted in stereotyped perceptions of being foreign, socially awkward, or unassimilable.<sup>77</sup>

Several of our findings appear consistent with these challenges. Asian American law students are disproportionately enrolled in top-ranked schools, which reflects their strong performance on a key admission criterion, the Law School Admission Test (LSAT).<sup>78</sup>



But Asian Americans do not obtain judicial clerkships in numbers comparable to their enrollment at highly ranked schools, and they are significantly underrepresented in the partner and leadership ranks of law firms. These selection processes—clerkships and law firm promotion—involve not only objective measures of ability, but also access to mentorship and subjective criteria such as likability, gravitas, leadership potential, and other opaque or amorphous factors that may inform whom judges, faculty members, or law firm partners regard as their protégés. Asian Americans appear to face significant obstacles in these settings.

Another challenge has to do with the gravitation of Asian Americans toward business settings and law firm jobs, and the relative dearth of Asian Americans in various government, nonprofit, and academic settings. The skew toward law firm jobs may account for the higher salaries but also lower career satisfaction and higher frequency of mental health problems observed among Asian American attorneys. It is notable that few Asian Americans appear motivated to pursue law in order to gain a pathway into government or politics. This finding is consistent with the paucity of Asian American lawyers in the highest ranks of government, especially among top prosecutors and judges. Greater penetration into these public leadership roles is critical if the increasing number of Asian American attorneys is to translate into increasing influence of Asian Americans in the legal profession and throughout society. A major challenge is to encourage Asian American lawyers to pursue public service roles and to eliminate barriers for those who do.

• Finally, although this study offers a comprehensive portrait of Asian Americans in the legal profession, further data collection and research are needed to deepen our understanding of observed disparities and potential interventions.

For example, to what extent is the high associate-to-partner ratio among Asian Americans at major law firms attributable to barriers to advancement versus attractive off-ramps to other opportunities? Is the number of Asian Americans obtaining judicial clerkships more heavily influenced by the hiring decisions of judges or by faculty mentorship and advising? What can be done to position more Asian Americans to serve as judges and top prosecutors? These are among the questions that merit additional research. Going forward, a key challenge is to enhance the portrait we have painted here in broad strokes with more focused and ongoing study of diversity in the legal profession by sector and by state or region. Such study is essential to raising awareness and motivating behavioral and institutional change.

# Acknowledgments

The Portrait Project received generous financial support from the Oscar M. Ruebhausen Fund at Yale Law School, the Minority Corporate Counsel Association, the National Asian Pacific American Bar Association, and the NAPABA Law Foundation. The project also received financial support from Joe Centeno, Javade Chaudhri and Gail Kee, Wilson Chu, Ivan Fong, Don Liu, and Lawrence Tu.

We are grateful to Ian Ayres (Yale Law School) for guidance and support. We also appreciate the counsel and contributions of Amy Chua (Yale Law School), Vincent Eng (The VENG Group), Bryant Garth (UC Irvine School of Law), Tracey George (Vanderbilt Law School), Harold Hongju Koh (Yale Law School), Issa Kohler-Hausmann (Yale Law School), Christopher Kwok and Morgan Walls-Dines (U.S. Equal Employment Opportunity Commission), Paul McGuire (Yale Law School), Robert L. Nelson (Northwestern University and American Bar Foundation), Yung-Yi Diana Pan (Brooklyn College), Sandra S. Yamate (Institute for Inclusion in the Legal Profession), Albert Yoon (University of Toronto Faculty of Law), Minju Cho (Yale Law School '16), Gregory Cui (Yale Law School '17), and Urja Mittal (Yale Law School '17). Finally, we thank the Yale Law School administrative team, including Jan Conroy, Daniel Griffin, Debra Kroszner, Susan Levesque, Robert Post, and Darcy Smith, and our friends and colleagues who helped us in preparation for our focus groups, survey questions, and this report.

# Notes

## Background and Purpose of the Study

- 1 • *In re Hong Yen Chang*, 344 P.3d 288 (Cal. 2015).
- 2 • For student enrollment data between 1971 and 2010, we used aggregate, longitudinal data provided by the American Bar Association. *Asian or Pacific Islander J.D. Enrollment 1971–2010*, A.B.A., [http://www.americanbar.org/content/dam/aba/migrated/legaled/statistics/charts/stats\\_12.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/legaled/statistics/charts/stats_12.authcheckdam.pdf); *First Year and Total J.D. Enrollment by Gender 1947–2011*, A.B.A., [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/statistics/jd\\_enrollment\\_lyr\\_total\\_gender.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/jd_enrollment_lyr_total_gender.authcheckdam.pdf). For student enrollment data between 2011 and 2015, we aggregated annual data provided by ABA-required Standard 509 disclosures from each law school. See *Section of Legal Education—ABA Required Disclosures*, A.B.A., <http://www.abarequireddisclosures.org/>.
- 3 • *Asian or Pacific Islander J.D. Enrollment 1971–2010*, *supra* note 2.
- 4 • INST. FOR INCLUSION IN THE LEGAL PROFESSION, IILP REVIEW 2014: THE STATE OF DIVERSITY AND INCLUSION IN THE LEGAL PROFESSION 17 tbl.1 (2014), [http://www.theiilp.com/Resources/Documents/IILP\\_2014\\_Final.pdf](http://www.theiilp.com/Resources/Documents/IILP_2014_Final.pdf) (reporting U.S. Census data showing 20,160 Asian American lawyers in the year 2000). The number of Asian American lawyers nationwide is available from the U.S. Census for the years 2000 and 2010, and from the Current Population Survey (CPS) prepared by the U.S. Census Bureau and Department of Labor’s Bureau of Labor Statistics for the years 2003 (the first year the CPS began recording the number of Asian American lawyers) through 2016.
- 5 • U.S. Bureau of Labor Statistics, *Employed Persons by Detailed Occupation, Sex, Race, and Hispanic or Latino Ethnicity*, DEP’T LAB. (2016), <http://www.bls.gov/cps/cpsaat11.htm>.
- 6 • The rate of growth will decline, however, as the difference in size between new cohorts coming into the profession and older cohorts leaving the profession narrows.
- 7 • See RONIT DINOVIETZ ET AL., NALP FOUND. FOR LAW CAREER RESEARCH & EDUC. & AM. BAR FOUND., AFTER THE JD: FIRST RESULTS OF A NATIONAL STUDY OF LEGAL CAREERS (2004) [hereinafter AJD1 REPORT]; RONIT DINOVIETZ ET AL., NALP FOUND. FOR LAW CAREER RESEARCH & EDUC. & AM. BAR FOUND., AFTER THE JD: SECOND RESULTS OF A NATIONAL STUDY OF LEGAL CAREERS (2009); RONIT DINOVIETZ ET AL., NALP FOUND. FOR LAW CAREER RESEARCH & EDUC. & AM. BAR FOUND., AFTER THE JD: THIRD RESULTS OF A NATIONAL STUDY OF LEGAL CAREERS (2014) [hereinafter AJD3 REPORT].

## Study Design

- 8 • These percentages add up to more than 100% because some respondents indicated more than one ethnicity.
- 9 • A recent study of nearly half a million attorneys (“the most extensive analysis of the political ideology of American lawyers ever conducted”) reported that on the whole “American lawyers

lean to the left of the ideological spectrum” and are more liberal than accountants, medical doctors, and banking and finance professionals, though less liberal than journalists, academics, and technology workers. Adam Bonica, Adam S. Chilton & Maya Sen, *The Political Ideologies of American Lawyers*, 8 J. LEGAL ANALYSIS 277, 292–93, 294 fig.2 (2016). A 2016 study of Asian American voters found that they are 41% Democratic, 16% Republican, and 41% Independent. See KARTHICK RAMAKRISHNAN ET AL., ASIAN AMERICAN VOICES IN THE 2016 ELECTION: REPORT ON REGISTERED VOTERS IN THE FALL 2016 NATIONAL ASIAN AMERICAN SURVEY 6 (2016), <http://naasurvey.com/wp-content/uploads/2016/10/NAAS2016-Oct5-report.pdf>.

10 ♦ Not every respondent who completed the survey answered every item. When we report the percentage of respondents who gave a particular answer on a survey item, the denominator is the number of respondents who actually answered the item instead of the entire pool of 606.

11 ♦ By comparison, the cohort of lawyers studied in the first wave of the *After the JD* study included a sample of 254 Asian American attorneys. AID3 REPORT, *supra* note 7, at 21. Unlike our survey respondents, who reflect Asian American law school enrollment trends over the past four decades, the *After the JD* sample was drawn only from lawyers newly admitted to the bar in the year 2000. *Id.* at 14. As a result, the average age of attorneys in our sample is between 39 and 40, whereas the average age in the *After the JD* sample when surveyed in 2002–03 was 28.6. In addition, compared to the *After the JD* sample, our sample includes a higher percentage of respondents who have clerked, a higher percentage who have fathers with graduate or professional degrees, a higher percentage who work in government and a lower percentage who work in private law firms, a higher average of annual pro bono hours among attorneys in private practice, and a higher percentage of Democrats and lower percentage of Republicans. See *id.* at 11, 15 tbl.5, 24 tbl.10, 25 tbl.11, 64 tbl.41. Our sample resembled the *After the JD* sample in gender breakdown, percentage who graduated from law school with no debt, and median level of student debt. See *id.* at 9 tbl.9, 58 tbl.36, 60 tbl.38.

Major Findings

12 ♦ We derived these figures by compiling and tabulating from data available from the American Bar Association (ABA). Section of Legal Educ. & Admission to the Bar, *Statistics*, A.B.A., [http://www.americanbar.org/groups/legal\\_education/resources/statistics.html](http://www.americanbar.org/groups/legal_education/resources/statistics.html); Section of Legal Educ. & Admission to the Bar, *Section of Legal Education—ABA Required Disclosures*, A.B.A., <http://www.abarequireddisclosures.org/> (providing Standard 509 Information Reports). The Asian American figures include the ABA’s separate tabulation of Native Hawaiians and Pacific Islanders.

13 ♦ See *supra* note 12. We obtained 2016 first-year enrollment data from the ABA’s compilation of Standard 509 Information Reports.

14 ♦ Aaron N. Taylor, *Diversity as a Law School Survival Strategy*, 59 ST. LOUIS UNIV. L.J. 321 (2015).

15 ♦ We derived these figures by compiling and tabulating from the ABA’s Standard 509 Information Reports and grouped law schools according to *U.S. News & World Report*’s 2015 rankings.

16 ♦ GITA Z. WILDER, ET AL., NALP FOUND. FOR LAW CAREER RESEARCH & EDUC. & NAT’L ASS’N FOR LAW PLACEMENT, RACE AND ETHNICITY IN THE LEGAL PROFESSION: FINDINGS FROM THE FIRST WAVE OF THE AFTER THE JD STUDY 51 tbl.29, 52 tbl.30 (2008) [hereinafter WILDER, RACE AND ETHNICITY].

17 ♦ Data provided by the National Association for Law Placement upon request. We tabulated demographic data for the top 30 schools from Standard 509 Information Reports collected by the ABA.

18 ♦ Access to mentoring opportunities also warrants further study in light of evidence that faculty may be less responsive to mentoring requests from female students, minority students, and Asian American students in particular. See Katherine L. Milkman, Modupe Akinola & Dolly Chugh, *What Happens Before? A Field Experiment Exploring How Pay and Representation Differentially Shape Bias on the Pathway into Organizations*, 6 J. APPLIED PSYCH. 1678 (2015).

19 ♦ GITA Z. WILDER, ET AL., NALP FOUND. FOR LAW CAREER RESEARCH & EDUC. & NAT’L ASS’N FOR LAW PLACEMENT, LAW SCHOOL DEBT AMONG NEW LAWYERS 9 tbl.2A (2007).

20 ♦ *Id.*

21 ♦ WILDER, RACE AND ETHNICITY, *supra* note 16, at 36 tbl.18.

22 ♦ *Id.* at 16 tbl.5.

23 ♦ *Id.*

24 ♦ *Id.* at 44 tbl.23.

25 ♦ *Id.* at 47 tbl.25.

26 ♦ U.S. EQUAL EMP’T OPPORTUNITY COMM’N, DIVERSITY IN LAW FIRMS 10 (2003), <https://www.eeoc.gov/eeoc/statistics/reports/diversitylaw/lawfirms.pdf> (tracking employment data among larger legal service firms by race/ethnicity from 1975 to 2002). See generally *Minorities & Women*, NAT’L ASS’N FOR LAW PLACEMENT, <http://www.nalp.org/minoritieswomen>.

27 ♦ NAT’L ASS’N FOR LAW PLACEMENT, 2016 REPORT ON DIVERSITY IN U.S. LAW FIRMS 8 tbl.2, 9 tbl.3 (2017).

28 ♦ Jacqueline Bell, *US Law Firms Fail To Move Needle on Racial Diversity*, LAW360 (May 15, 2016), <http://www.law360.com/articles/794900/us-law-firms-fail-to-move-needle-on-racial-diversity>.

29 ♦ MINORITY CORP. COUNSEL ASS’N & VAULT, 2016 VAULT/MCCA LAW FIRM DIVERSITY SURVEY REPORT 21, 23 tbl.1 (2016), [http://www.mcca.com/\\_data/global/downloads/research/reports/VaultMCCA\\_Survey-2016-v01.pdf](http://www.mcca.com/_data/global/downloads/research/reports/VaultMCCA_Survey-2016-v01.pdf).

- 30 • See generally *Minorities & Women*, *supra* note 26.
- 31 • MINORITY CORP. COUNSEL ASS'N & VAULT, *supra* note 29, at 11–12.
- 32 • Jake Simpson, *2015 Law360 Minority Report*, LAW360 (May 19, 2015), <http://www.law360.com/articles/657725/2015-law360-minority-report> (reporting racial makeup of firms).
- 33 • MINORITY CORP. COUNSEL ASS'N & VAULT, *supra* note 29, at 11, 23 tbl.1.
- 34 • *Id.*
- 35 • MINORITY CORPORATE COUNSEL ASS'N & VAULT, 2015 VAULT/MCCA LAW FIRM DIVERSITY SURVEY REPORT 28 tbl.2 (2015).
- 36 • *Id.*
- 37 • *Id.* at 41, tbl.5.
- 38 • *Id.* at 11, 29 tbl.2.
- 39 • *Id.* at 30 tbl.2; see also N.Y.C. BAR, DIVERSITY BENCHMARKING REPORT 2015, at 13 (2015) (surveying 75 law firms and reporting that among attorneys who left firms in 2015, 12% were Asian/Pacific Islander, 4% were Black/African American, and 5% were Hispanic).
- 40 • MINORITY CORP. COUNSEL ASS'N & VAULT, *supra* note 29, at 10.
- 41 • AID3 REPORT, *supra* note 7, at 74 tbl.9.1.
- 42 • KATHERINE J. BIES ET AL., STANFORD CRIMINAL JUSTICE CTR., STUCK IN THE '70S: THE DEMOGRAPHICS OF CALIFORNIA PROSECUTORS 52 (2015).
- 43 • *Id.* at 26–28, 36–38. Data on line prosecutors were tabulated by subtracting counts of “Full-Time Supervisory Prosecutors” from counts of “Total Full-Time Prosecutors.” See *id.* at 25 (survey form).
- 44 • *QuickFacts: California*, U.S. CENSUS BUREAU, <http://www.census.gov/quickfacts/table/PST045215/06> (reporting “Asian alone” at 14.7% as of July 1, 2015).
- 45 • *The New York County District Attorney's Office—New York, New York, Lawyer Demographics*, NALP DIRECTORY OF LEGAL EMPLOYERS, <https://shar.es/1UtYNA>.
- 46 • *QuickFacts: New York County (Manhattan Borough), New York*, U.S. CENSUS BUREAU, <http://www.census.gov/quickfacts/table/RH125215/36061> (reporting “Asian alone” at 12.8% as of July 1, 2015).
- 47 • See *supra* note 43.
- 48 • *Id.*
- 49 • *The New York County District Attorney's Office—New York, New York, Lawyer Demographics*, *supra* note 45.
- 50 • This information was provided by the National Asian Pacific American Bar Association and only reflects Senate-confirmed United States Attorneys.
- 51 • BIES ET AL., *supra* note 42, at 38.
- 52 • *Id.* at 44–47. The report contacted the District Attorney's Office for each of California's 58 counties and ultimately obtained data for all but 6 of them. *Id.* at 8.
- 53 • *The New York County District Attorney's Office—New York, New York, Lawyer Demographics*, *supra* note 45.
- 54 • *Justice for All?*, WOMEN DONORS NETWORK (2015), <http://wholeads.us/justice>.
- 55 • Bureau of Justice Statistics, *Data Collection: Census of Public Defender Offices (CPDO)*, OFF. JUST. PROGRAMS, <http://www.bjs.gov/index.cfm?ty=dcdetail&iid=401>.
- 56 • BUREAU OF JUSTICE STATISTICS, OFFICE OF JUSTICE PROGRAMS, OMB NO. 1121–0329, SURVEY OF PUBLIC DEFENDERS: A DESIGN STUDY (SPDDS) (2016), <http://www.bjs.gov/content/pub/pdf/spddssol.pdf>.
- 57 • We obtained these data from the U.S. Equal Employment Opportunity Commission through a Freedom of Information Act request for the number of employees in legal occupations as categorized by the U.S. Office of Personnel and Management. These occupations included general attorneys, law clerks, administrative law judges, and adjudicators of hearings and appeals.
- 58 • The 6 agencies reviewed were the U.S. Department of Justice, U.S. Securities and Exchange Commission, National Labor Relations Board, Federal Trade Commission, Federal Communications Commission, and U.S. Equal Employment Opportunity Commission. We decided to calculate numbers for these 6 agencies because they had the most attorneys among federal agencies in which the Equal Employment Opportunity Commission listed “general attorney” as a major occupation. Given the variations in total workforce size of many agencies, note that there remain some agencies not included in this review with more general attorneys than these 6 agencies. OFFICE OF FED. OPERATIONS, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMM'N, ANNUAL REPORT ON THE FEDERAL WORK FORCE (2005), <https://www.eeoc.gov/federal/reports/fsp2005/fsp2005.pdf>; see also *supra* note 57.
- 59 • See *supra* note 57. “Attorneys” here refer to any of the aforementioned legal occupations as categorized by the Office of Personnel and Management.
- 60 • OFFICE OF FED. OPERATIONS, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMM'N, ANNUAL REPORT ON THE FEDERAL WORK FORCE PART II: WORK FORCE STATISTICS II-45 (2011), [http://www.eeoc.gov/federal/reports/fsp2011\\_2/upload/fsp2011\\_2.pdf](http://www.eeoc.gov/federal/reports/fsp2011_2/upload/fsp2011_2.pdf); see also KPMG CONSULTING, SUPPORT FOR THE DEPARTMENT IN CONDUCTING AN ANALYSIS OF DIVERSITY IN THE ATTORNEY WORKFORCE 77 (2002), <http://www.justice.gov/sites/default/files/dag/legacy/2006/03/08/diversityanalysis.pdf> (reporting that Asian American attorneys start with one of the lowest pay grade among attorneys at the Justice Department and have on average the lowest pay grade among minorities).

- 61 ♦ *Diversity Cubes*, U.S. OFF. PERSONNEL MGMT., <https://www.fedscope.opm.gov/diversity.asp> (Sept. 2016).
- 62 ♦ *History of the Federal Judiciary: Diversity on the Bench*, FED. JUD. CTR., <https://www.fjc.gov/history/judges/search/advanced-search>; see also *Active Asian-American & Pacific Islanders Article III Judges*, MINORITY CORP. COUNSEL ASS'N (July 31, 2015), <http://www.mcca.com/index.cfm?fuseaction=page.viewPage&pageID=2518&nodeID=1>. A number of judges identify with multiple racial or ethnic groups. As a result, the sum of each particular racial or ethnic group's percentage of the total number of judges exceeds 100 percent when added together.
- 63 ♦ *Diversity Cubes*, *supra* note 61.
- 64 ♦ These data were provided by two researchers who created a database of and recently published a study on the demographics of judges in state courts. See TRACEY E. GEORGE & ALBERT H. YOON, AM. CONST. SOC'Y, *THE GAVEL GAP: WHO SITS IN JUDGMENT ON STATE COURTS?* (2016), <http://gavelgap.org/pdf/gavel-gap-report.pdf>.
- 65 ♦ They are Tani Cantil-Sakauye (California), Ming Chin (California), Goodwin Liu (California), Sabrina McKenna (Hawai'i), Lynn Nakamoto (Oregon), Judith Nakamura (New Mexico), Paula Nakayama (Hawai'i), and Mary Yu (Washington). We obtained the total number of state high court judges from a tabulation by the California Supreme Court library.
- 66 ♦ See *supra* note 64.
- 67 ♦ *Demographic Data Provided by Justices and Judges Relative to Gender, Race/Ethnicity, and Gender Identity/Sexual Orientation*, JUD. COUNCIL CAL. (2016), <http://www.courts.ca.gov/documents/2016-Demographic-Report.pdf>. These figures are based on the number of respondents who identify as "Asian Only," "Black or African American Only," and "White Only," respectively. These counts could be higher when including respondents who identify as "More Than One Race," such as Tani Cantil-Sakauye, California's first Asian-Filipina American and current Chief Justice. *Chief Justice Tani Cantil-Sakauye*, CAL. JUD. BRANCH, <http://www.courts.ca.gov/2664.htm>.
- 68 ♦ JUDICIAL SECTION, N.Y. STATE BAR ASS'N, *JUDICIAL DIVERSITY: A WORK IN PROGRESS* 25 (2014), <http://www.nysba.org/judicialdiversityreport>.
- 69 ♦ *ABA Approved Law School Staff and Faculty Members, Gender and Ethnicity: Fall 2013*, A.B.A., [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/statistics/2013\\_law\\_school\\_staff\\_gender\\_ethnicity.authcheckdam.xlsx](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/2013_law_school_staff_gender_ethnicity.authcheckdam.xlsx) [hereinafter *Law School Staff: Fall 2013*] (data from 2013 annual questionnaire).
- 70 ♦ *Id.*
- 71 ♦ Pat K. Chew, *Asian Americans in the Legal Academy: An Empirical and Narrative Profile*, 3 ASIAN AM. L.J. 7, 11 (1996).
- 72 ♦ *Law School Staff: Fall 2013*, *supra* note 69.
- 73 ♦ See Lawrence S. Krieger with Kennon M. Sheldon, *What Makes Lawyers Happy?: A Data-Driven Prescription To Redefine Professional Success*, 83 GEO. WASH. L. REV. 554 (2015); Douglas Quenqua, *Lawyers with Lowest Pay Report More Happiness*, N.Y. TIMES (May 12, 2015), at A19.
- 74 ♦ The percentages on perceptions of overt and implicit discrimination do not add up to 100 because of rounding.
- 75 ♦ Patrick R. Krill, Ryan Johnson & Linda Albert, *The Prevalence of Substance Abuse and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46, 50 (2016).
- 76 ♦ *Id.* at 51.
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- Discussion 77 ♦ See, e.g., Jennifer C. Ng et al., *Contesting the Model Minority and Perpetual Foreigner Stereotypes: A Critical Review of Literature on Asian Americans in Education*, 31 REV. RES. EDUC. 95, 96 (2007) (CITING MIA TUAN, *FOREVER FOREIGNERS OR HONORARY WHITES?: THE ASIAN ETHNIC EXPERIENCE TODAY* (1998)). Such perceptions have deep historical roots. See, e.g., Chae Chan Ping v. United States, 130 U.S. 581, 594–595 (1889); United States v. Wong Kim Ark, 169 U.S. 649, 731 (1898) (Fuller, C.J., dissenting); Plessy v. Ferguson, 163 U.S. 537, 561 (1896) (Harlan, J., dissenting). And they persist today. See, e.g., Michael Luo, *An Open Letter to the Woman Who Told My Family To Go Back to China*, N.Y. TIMES (Oct. 9, 2016), <https://nyti.ms/2kdXx3f>.
- 78 ♦ See SUSAN P. DALESSANDRO ET AL., LAW SCH. ADMISSION COUNCIL, *LSAT TECHNICAL REPORT SERIES 14-02, LSAT PERFORMANCE WITH REGIONAL, GENDER, AND RACIAL/ETHNIC BREAKDOWNS: 2007–2008 THROUGH 2013–2014 TESTING YEARS 2* (2014), [http://www.lsac.org/docs/default-source/research-\(lsac-resources\)/TR-14-02.pdf](http://www.lsac.org/docs/default-source/research-(lsac-resources)/TR-14-02.pdf) (analyzing LSAT scores between 2007 to 2014 by ethnicity and finding that “[a]verage LSAT scores were highest for Caucasian and Asian/Pacific Islander test takers”).

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