



A PORTRAIT OF ASIAN AMERICANS IN THE LAW 2.0

IDENTITY AND ACTION IN CHALLENGING TIMES

TYLER DANG · KATHERINE FANG · BENJI LU · MICHAEL TAYAG · GOODWIN LIU



AMERICAN BAR FOUNDATION
NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION

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COVER IMAGES:

Judge Amul Thapar of the U.S. Court of Appeals for the Sixth Circuit and **Chief Judge Sri Srinivasan** of the U.S. Court of Appeals for the D.C. Circuit are among 47 Asian Americans serving as active federal judges in 2022, up from 25 in 2016. Photograph of Judge Thapar: Alicia Sachau / Notre Dame Law School.

Thai American survivors of human trafficking at a commemorative event at the Los Angeles United Methodist Museum of Social Justice in 2021, in honor of an exhibit telling the story of their case, the El Monte Thai Garment Slavery Case in California, two and a half decades after they were freed in 1995 with the assistance of several Asian American legal advocacy organizations. Their case led to the passage of the Victims of Trafficking and Violence Protection Act in 2000. Photographer: Curtis McElhinney / curtisvision.com. © Thai Community Development Center.

Asian American protesters in 2014 in New York. The original image, which we cropped, was taken and posted online by Marcela McGreal at <https://flickr.com/photos/122896845@N07/15829179718> [<https://web.archive.org/web/20200310144828/https://flickr.com/photos/122896845@N07/15829179718>]. It is licensed under the Creative Commons Attribution 2.0 Generic license (<https://creativecommons.org/licenses/by/2.0/>).

Angela Hsu, Counsel at Bryan Cave Leighton Paisner, and **BJay Pak**, Partner at Alston & Bird and former U.S. Attorney for the Northern District of Georgia, are among the leaders of the Georgia Asian Pacific American Bar Association who created an AAPI Crime Victims and Education Fund in the wake of a 2021 mass shooting in Atlanta in which six of eight victims were Asian women.

Hong Yen Chang, the first Chinese American licensed to practice law in the United States. New York granted him a law license, but California denied his application in 1890. In 2015, the California Supreme Court voted unanimously to award him the license posthumously in *In re Hong Yen Chang*, 344 P.3d 288 (Cal. 2015).

Marie Oh Huber, Senior Vice President and Chief Legal Officer of eBay, is among the 45 Asian Americans serving as Fortune 1000 general counsel in 2020, up from 19 in 2009. She is also one of several general counsel supporting the Alliance for Asian American Justice, a nonprofit launched in 2021 to provide pro bono legal services to victims of anti-Asian hate.

Protests in 2017 in Washington, D.C., against an immigration ban.

DESIGN: Weiher Creative

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Executive Summary

Five years ago, a novel study titled *A Portrait of Asian Americans in the Law* found that “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.”¹ Its key results were cited in a range of advocacy efforts, including before Congress, state bars, law firms, and leading companies. Since then, the Asian American community has been significantly affected by major events, including a disturbing rise in anti-Asian hate and violence. One in six Asian Americans reported experiencing a hate incident in 2021, up from one in eight in 2020.² The past five years have also seen a growing movement to address anti-Black racism as well as myriad challenges posed by a global pandemic.

Against this backdrop, we present *A Portrait of Asian Americans in the Law 2.0: Identity and Action in Challenging Times*. This study again canvasses Asian American attorneys for insights into law school enrollment, career advancement, and political participation. To these ends, we researched the literature on diversity in the legal profession, conducted our own survey of Asian American attorneys (2022 Survey), and led focus groups with Asian American lawyers to gain qualitative insights. Our key findings include the following:

Asian American attorneys indicated greater engagement with social and political issues, along with a desire to change and improve society.

- In contrast to five years ago, 2022 Survey respondents seeking to change practice settings ranked a desire to advance issues or values important to them among their most significant reasons for doing so. This was ranked among the least significant reasons five years ago.
- The second most common motivation for attending law school among 2022 Survey respondents was the desire to change or improve society, with 46% identifying it as one of their top three motivations. This motivation was identified more frequently than in the first Portrait Project survey (2016 Survey), where it was the fourth most common. Societal events since the previous survey may have influenced both recent law school graduates and more senior lawyers to foreground this motivation for attending law school.

1 ERIC CHUNG, SAMUEL DONG, XIAONAN APRIL HU, CHRISTINE KWON & GOODWIN LIU, *A PORTRAIT OF ASIAN AMERICANS IN THE LAW* (2017), <https://www.apaportraitproject.org> [hereinafter PORTRAIT PROJECT 2017].

2 Jennifer Lee & Karthick Ramakrishnan, *A Year After Atlanta*, AAPI DATA: DATA BITS (Mar. 16, 2022), <http://aapidata.com/blog/year-after-atlanta> [<https://perma.cc/UJF5-NQ2R>].

- Among 2022 Survey respondents, 44% reported having become more involved in Asian American bar associations or other attorney organizations in response to events of the last five years, and 47% reported having become more involved in Asian American community organizations. First-generation immigrants in particular have reported increasing their participation in public protests or other forms of advocacy by or for Asian Americans: 43% of first-generation immigrants have increased their participation, compared to 26% of all other generations of immigrants.
- Almost as many survey respondents increased their participation in public protests or other forms of advocacy for issues important to Black Americans (26%) as for issues important to Asian Americans (27%) in the past five years.

Underrepresentation of Asian Americans in the top ranks of the legal profession persists. But there has been notable progress in the appointment of federal judges and in the ranks of general counsel, and law school enrollment has rebounded somewhat from a 20-year low.

- After Asian American and Pacific Islander (AAPI) enrollment in law school declined during the Great Recession to a 20-year low in 2017, it increased by 14.5% from 2017 to 2021.
- The number of Asian American federal judges has increased over the past five years, comprising 6.0% of active federal judges compared to 3.4% in 2016.
- The proportion of law clerks who are Asian American has changed little over the past quarter century. In 1995, 6.4% of federal clerks and 4.5% of state clerks were Asian American. In 2021, those numbers were 5.8% for federal clerks and 6.3% for state clerks.
- In 2020, Asian Americans entered law firms upon graduating from law school at a higher rate than any other racial group, with 65.0% doing so. They entered government (7.5%), public interest (6.4%), and clerkships (7.2%) at the lowest rate of any racial group.
- Asian Americans continue to be the largest minority group at major law firms, but they continue to experience the highest attrition. They made up 7.8% of attorneys overall in 2019 but 10.4% of attorneys who left their firms that year. And they have the lowest ratio of partners to associates, as they did five years ago. Only 4.3% of equity partners at major firms in 2020 were Asian American; almost 90% were White.

- Only eight out of 2,396 elected prosecutors in the United States identified as Asian American in 2019, and only one Senate-confirmed U.S. Attorney identifies as Asian American.
- In 2020, there were 45 AAPI general counsel of Fortune 1000 companies, up from 19 in 2009.

Greater institutional support would likely reduce barriers to advancement and improve the professional lives of Asian American attorneys.

- As this study found five years ago, Asian Americans who had two or more mentors in law school were more likely to obtain a judicial clerkship. But one-third of 2022 Survey respondents indicated that they had no mentors in law school. Those who are the first in their families to attend law school were especially likely to report being unaware of the importance of mentorship to their careers.
- The obstacles to career advancement that 2022 Survey respondents identified most frequently remain the same as five years ago: a lack of formal leadership training programs, inadequate access to mentors and contacts, and a lack of recognition for their work.
- More 2022 Survey respondents, compared to 2016 Survey respondents, reported perceiving overt (41% versus 32%) and implicit (64% versus 58%) discrimination in the workplace because of their race.
- Almost 80% of 2022 Survey respondents reported experiencing anxiety since entering the legal profession, and 55% reported experiencing depression. Nearly half of the respondents who sought professional help for mental health problems reported skepticism about mental health providers' competency to address cultural needs.

In sum, Asian American attorneys reported greater engagement with social and political issues, including those concerning racial justice and equality, compared to five years ago. Altogether, our findings suggest that recent events have invigorated Asian American attorneys' commitment to racial justice, their sense of racial or ethnic identity, and their determination to protect our communities. Further, Asian American enrollment in law school has rebounded since 2017, and more federal judges and Fortune 1000 general counsel today are Asian American. But Asian Americans remain underrepresented in clerkships and in leadership positions in law firms, state judiciaries, and other public and private sector arenas. They are grossly underrepresented among top prosecutors at the local, state, and federal levels. Our study also draws attention to the lack of access to institutional resources and support that can help Asian American attorneys bridge those disparities.

Acknowledgments

We express our deep gratitude to Ajay Mehrotra (Northwestern University and American Bar Foundation) and Shih-Chun Steven Chien (Cleveland-Marshall College of Law and American Bar Foundation) for their unwavering support and guidance at every stage of Portrait Project 2.0. In addition to marshaling and administering the resources necessary to bring this project to fruition, they provided countless hours of insight and counsel that made our research questions sharper and the final report clearer and more robust.

We thank Priya Purandare, Maureen Gelwicks, and Mary Tablante (National Asian Pacific American Bar Association) for their support and collaboration, especially on the 2022 Survey and the dissemination of this report. We also thank Mona Shah (South Asian Bar Association), Ann A. Nguyen (National Conference of Vietnamese American Attorneys), Panida Pollawit (Thai American Bar Association), Danielle Taylor (National Association for Law Placement), Noelle Smith, Bob Nelson, Bryant Garth, Joyce Sterling, Stephen Daniels, Meghan Dawe (American Bar Foundation), and Meera E. Deo (Southwestern Law School) for their invaluable assistance with outreach, data collection, and project coordination. We owe immense gratitude to our graphic designer Amy Weiher for expertise, vision, and patience; she transformed our ideas into a report of which we can be proud. For help gathering our cover images, we thank Panida Rzonca (Thai Community Development Center), Kevin Allen (Notre Dame Law School), and Tim Tai (Yale Law School). Finally, we thank Yale Law School, Ian Ayres, Darcy Smith, and all the colleagues and friends who supported us in conducting focus group sessions, administering our survey, and writing the report.

The Portrait Project received generous support from the American Bar Foundation, National Asian Pacific American Bar Association, the Oscar M. Ruebhausen Fund and Dean Heather Gerken at Yale Law School, and Northwestern University Pritzker School of Law. The project also received financial support from the Asian American Bar Association—Bay Area, Asian American Bar Association of New York, Asian American Law Fund of New York, Asian Pacific American Bar Association—Silicon Valley, Arnold & Porter, Davis Polk, Davis Wright Tremaine, Haynes & Boone, Latham & Watkins, Silvia Chin, Carol F. Lee, and an anonymous donor.

This project was reviewed and approved by the Institutional Review Board at Yale University (IRB 2000031286) and the American Bar Foundation.

Background and Purpose

Over the past four decades, Asian Americans have dramatically increased their presence in the legal profession. In 1983, there were around 2,000 Asian American and Pacific Islander (AAPI)³ students enrolled across all law schools accredited by the American Bar Association (ABA), comprising less than 2% of total enrollment.⁴ By the mid-2000s, AAPI enrollment had increased more than fivefold to over 11,000 students, comprising about 8% of total enrollment.⁵

Since 2000, the number of Asian American lawyers has correspondingly grown from 20,000 to about 51,000 as of 2021, comprising 4.7% of all lawyers nationwide.⁶

Since 2010, however, law school enrollment has declined, and it has declined the most among Asian Americans. Based on data from the ABA, whereas total first-year enrollment decreased by 19.9% from 2011 to 2019, Asian American first-year enrollment decreased by 27.8% during that period, the largest decline of any racial or ethnic group.⁷

In 2017, we published *A Portrait of Asian Americans in the Law* (Portrait Project 1.0), the first comprehensive study of the career paths of Asian American law students and lawyers. This five-year follow-up study generates and compiles updated data in an effort to provide an ongoing resource for lawyers, policymakers, researchers, and advocates to understand how Asian Americans are situated in the legal profession.

3 The United States Census Bureau collects data for the following ethnic groups within the Asian diaspora: Asian Indian; Bangladeshi; Bhutanese; Burmese; Cambodian; Chinese, except Taiwanese; Filipino; Hmong; Indonesian; Japanese; Korean; Laotian; Malaysian; Mongolian; Nepalese; Okinawan; Pakistani; Sri Lankan; Taiwanese; Thai; Vietnamese; Other Asian, specified; Other Asian, not specified; and Two or more Asian. U.S. CENSUS BUREAU, AMERICAN COMMUNITY SURVEY 5-YEAR ESTIMATES DETAILED TABLES tbl.B02015 (2020), <https://data.census.gov/cedsci/table?q=%3DACSDT5Y2020.B02015>. It collects data for the following ethnic subgroups under the Native Hawaiian and Other Pacific Islander umbrella: Native Hawaiian; Samoan; Tongan; Other Polynesian; Chamorro; Marshallese; Other Micronesian; Fijian; Other Melanesian; and Other Pacific Islander, not specified. *Id.* tbl.B02019, <https://data.census.gov/cedsci/table?q=pacific%20islander&tid=ACSDT5Y2020.B02019>.

4 For student enrollment data between 1971 and 2010, we used aggregate annual data provided by the American Bar Association. See PORTRAIT PROJECT 2017, *supra* note 1, at 4 (citing *Asian or Pacific Islander J.D. Enrollment 1971–2010*, AM. BAR ASS'N., 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*, AM. BAR ASS'N., https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/jd_enrollment_1yr_total_gender.authcheckdam.pdf). For student enrollment data between 2011 and 2021, we aggregated annual data provided by ABA-required Standard 509 disclosures from each law school. See *Section of Legal Education—ABA Required Disclosures*, AM. BAR ASS'N. (last visited Aug. 16, 2022), <https://www.abarequireddisclosures.org/Disclosure509.aspx>.

5 *Asian or Pacific Islander J.D. Enrollment 1971–2010*, *supra* note 4.

6 U.S. BUREAU OF LAB. STAT., EMPLOYED PERSONS BY DETAILED OCCUPATION, SEX, RACE, AND HISPANIC OR LATINO ETHNICITY (2021), <http://www.bls.gov/cps/cpsaat11.htm> [<https://perma.cc/N3M7-48WG>].

7 Miranda Li, Phillip Yao & Goodwin Liu, *Who's Going to Law School? Trends in Law School Enrollment Since the Great Recession*, 54 U.C. DAVIS L. REV. 613, 639 fig.13 (2020).

In this new report, Portrait Project 2.0, we continue to examine the career paths of Asian American lawyers, with a particular emphasis on their behaviors, commitments, sense of identity, and well-being during a period marked by dramatic societal changes. We aim to provide an empirical grounding for broader conversation within and beyond the Asian American community about the challenges and opportunities Asian Americans face in the legal profession and possible directions for reform.

Methodology

Like Portrait Project 1.0, our study comprises three main components.

First, we synthesized an array of literature on Asian Americans and diversity in law schools and the legal profession. We also collected original data through requests to government agencies and other organizations. This wide-ranging effort enabled us to assemble comprehensive statistics on Asian American enrollment in law schools and participation in various sectors of the legal profession.

Second, we conducted 11 focus groups with 70 Asian American attorneys. These sessions took place in person at the December 2021 convention of the National Asian Pacific American Bar Association (NAPABA) in Washington, D.C., as well as via Zoom video conferences in partnership with the National Conference of Vietnamese American Attorneys (NCVAA).⁸ We organized the NAPABA focus groups by practice setting (large law firms, corporate counsel, government, and public interest), ethnicity (mixed groups, Korean, and South Asian), gender, and seniority, with six to eight participants in each group. The focus groups, each lasting one hour, used a standard script to canvass attorneys' experiences with race, identity, and activism over the past five years; their perceptions of the workplace, including obstacles to professional advancement and discrimination; and their mental health. Through the focus groups, we gained qualitative insights that guided our construction of a survey instrument and informed our quantitative findings.

Third, we created and disseminated a 92-item survey (2022 Survey) through NAPABA and affiliated networks, including the NCVAA and the National Filipino American Lawyers Association, and the South Asian Bar Association of North America, to collect information from a broader population of Asian American lawyers. From each respondent, the survey gathered data on demographics, political participation, law school experiences, career choices and experiences in the legal profession, future aspirations, identity in the workplace, mental health, and current events.

⁸ In our efforts to learn more about how different ethnic groups within the broader Asian American legal community might differ in their responses, we solicited feedback from a variety of affinity bar organizations. The NCVAA was able to accommodate our request for a Zoom focus group.

Throughout this report, we include anonymous quotes from focus group participants and from open-ended survey questions to provide greater texture to the data. Quotes have been edited for clarity.

Our survey garnered responses from a broad cross-section of Asian American lawyers.

We received completed surveys from 705 respondents⁹ with the following characteristics:

- 61% identify as women, 39% identify as men, and less than 1% identify as another gender identity;¹⁰
- 5% were under 30, 30% were 30-39, 33% were 40-49, 17% were 50-59, and 15% were 60 or older;
- 5% were born outside the United States and immigrated after high school, 28% were born outside the United States and immigrated before graduating from high school, 51% were born in the United States to immigrant parents, 8% were born in the United States to U.S.-born parents and had immigrant grandparents, and 7% were born in the United States with grandparents (and possibly earlier generations) born in the United States;
- 42% Chinese, 20% Korean, 11% Japanese, 9% Filipino, 10% Taiwanese, 7% Indian, 5% Vietnamese, and 5% other ethnicities;
- 23% with neither parent having a bachelor's degree, 21% with both parents having a graduate degree, and 5% with at least one parent having a law degree;
- 70% Democrat, 6% Republican, 10% Independent, 11% with no political party registration, and 3% declining to identify their political party registration;
- 43% in law firm or solo practice, 20% in government (including judges and prosecutors), 18% corporate counsel, 7% in nonprofit or public interest, and 2% in academia.

9 We filtered out responses that did not match our criteria for inclusion. For example, respondents who indicated they were not Asian American were not included in our analysis.

10 When disaggregating 2022 Survey results by gender, we summarize the responses of the four respondents who identified as another gender identity in writing instead of graphically because of the small sample size.

Most of our respondents live in California (36%) or New York (16%). The next most frequently reported places of residence were New Jersey, Texas, Illinois, Georgia, Washington, Virginia, the District of Columbia, and Maryland.

In our findings, we compare data from the first Portrait Project survey (2016 Survey) with data from the 2022 Survey. The surveys are cross-sectional, and the demographic characteristics of 2022 respondents are similar to those of 2016 respondents. One notable difference is that nearly 32% of 2022 Survey respondents are age 50 or above, compared to 19% of 2016 Survey respondents.

MAJOR FINDINGS

Law School

Asian American enrollment declined steeply after the Great Recession and remains far below historical highs, though it has rebounded in recent years.

From the early 1970s to the early 2010s, the enrollment of Asian Americans in law school increased more than the enrollment of any other racial or ethnic group.¹¹ Asians were the fastest-growing group in law school from 1999 to 2009, with enrollment increasing by 43% over that period. By comparison, Hispanic enrollment grew 35%, Black enrollment grew 10%, and White enrollment grew 3% over the same period.^{12, 13} But the most recent decade has seen a decline in the enrollment of all groups except Hispanic students and individuals identifying with two or more races. In particular, the total enrollment of Asian Americans declined by 23.5% from 2011 to 2021.¹⁴

11 PORTRAIT PROJECT 2017, *supra* note 1, at 2.

12 Li, Yao & Liu, *supra* note 7, at 625. Throughout this report, we identify racial or ethnic groups according to the terms used by the underlying data source. We recognize that such terms are contested; for example, the term “Hispanic” is not without critics. Compare David Gonzalez, *What’s the Problem with ‘Hispanic’? Just ask a ‘Latino’*, N.Y. TIMES (Nov. 15, 1992), <https://www.nytimes.com/1992/11/15/weekinreview/ideas-trends-what-s-the-problem-with-hispanic-just-ask-a-latino.html> [<https://perma.cc/DK3U-RKHC>] with Luis Noe-Bustamante, Lauren Mora & Mark Hugo Lopez, *About One-in-Four U.S. Hispanics Have Heard of Latinx, but Just 3% Use It*, PEW RSCH. CTR. (Aug. 11, 2020), <https://www.pewresearch.org/hispanic/2020/08/11/about-one-in-four-u-s-hispanics-have-heard-of-latinx-but-just-3-use-it/> [<https://perma.cc/VYY4-SD2T>].

13 Figures for American Indians and Alaska Natives are reported in few instances in this report due to limited data. We highlight the need to recognize and collect more data on these important peoples. See generally Kimberly R. Huyser & Sofia Locklear, *Reversing Statistical Erasure of Indigenous Peoples: The Social Construction of American Indians and Alaska Natives in the United States Using National Data Sets*, in MAGGIE WALTER ET AL., THE OXFORD HANDBOOK OF INDIGENOUS SOCIOLOGY (2021), <https://doi.org/10.1093/oxfordhb/9780197528778.013.34> [<https://perma.cc/G785-MRBV>]; Aggie J. Yellow Horse & Kimberly R. Huyser, *Indigenous Data Sovereignty and COVID-19 Data Issues for American Indian and Alaska Native Tribes and Populations*, J. POPULATION RSCH. (2021), <https://doi.org/10.1007/s12546-021-09261-5> [<https://perma.cc/VKR9-R99B>].

14 *Section of Legal Education—ABA Required Disclosures*, *supra* note 4. Since 2011, the ABA’s 509 Information Reports have employed the following nine race and ethnicity categories: “Hispanics of any race,” “American Indian or Alaska Native,” “Asian,” “Black or African American,” “Native Hawaiian or Other Pacific Islander,” “Two or more races,” “Nonresident alien,” “Race/Ethnicity Unknown,” and “White.” Under the ABA’s method of non-overlapping reporting, if a student selects “Nonresident alien,” that student is reported as “Nonresident alien” regardless of any other categories selected. Then, if a student selects “Hispanic,” that student is reported as “Hispanic” regardless of any other categories selected. And then, if a student selects two or more categories, that student is reported as “Two or more races.” Under this methodology, the term “Asian” is largely synonymous with “Asian American,” although it omits Asian Americans who identify as Hispanic or who identify with more than one race. Further, because the ABA’s Standard 509 Information Reports before 2011 used the category “Asian” without a separate category for Native Hawaiians or Pacific Islanders, from 2011 onward we combine the counts of “Asian” and “Native Hawaiian or Other Pacific Islander” within the category “Asian” in order to enhance comparability across years.

In 2017 there were 6,834 Asian Americans enrolled in law school—the lowest number in more than 20 years.¹⁵ A recent study examining enrollment trends from 1999 to 2019 (Enrollment Study) concluded that, as of 2019, Asian American enrollment had declined more steeply following the Great Recession than that of any other racial or ethnic group.¹⁶ It suggested two possible reasons: First, concerns about future earnings may have caused Asian Americans, more so than other groups, to turn away from law.¹⁷ Second, the recession may have disproportionately narrowed the pool of Asian Americans considering law school. Economic stress may have motivated a greater share of students to decide on their career paths during or before college; if so, this would have disproportionately reduced the number of Asian Americans considering law school because a higher share of Asians, compared to other groups, do not consider law school until after college.¹⁸

The Enrollment Study examined data gathered by the American Association of Law Schools (AALS). AALS’s survey of college students from 2017 showed “clear indications that Asian undergraduates express less interest in law school than other groups.”¹⁹ The survey asked undergraduates considering law for the top three factors that might prevent them from going to law school. In response, Asian undergraduates were more likely than other groups to indicate that “[t]oo few jobs in th[e] field pay enough money.”²⁰ They were also more likely to see “[l]ittle advancement opportunity in the field” as a top factor preventing them from going to law school.²¹

Further, data from AALS’s survey of 2,727 first-year law students in 2017 showed that Asians were more likely than other groups to first consider going to law school after college and less likely to first consider law school before college.²² Asian undergraduates, to a greater degree than those of other groups, rated “[w]hether my family thinks it would be a good choice” as an

15 *Id.*

16 Li, Yao & Liu, *supra* note 7, at 635.

17 *Id.* at 647.

18 *Id.*

19 *Id.* at 644 (citing ASS’N OF AM. L. SCHS., BEFORE THE JD: UNDERGRADUATE VIEWS ON LAW SCHOOL 24 fig.1.1, 25, 27 tbl.1.2 (2018) [hereinafter BEFORE THE JD]). The AALS study did not distinguish between foreign nationals and U.S. citizens or permanent residents, so the law review article used the term “Asian” instead of “Asian American” in discussing the study’s findings.

20 BEFORE THE JD, *supra* note 19, at 50 fig.6.2 (reporting that among undergraduates considering law, 25% of Asians, 14% of Blacks, 18% of Hispanics, 16% of Whites, and 17% overall selected “[t]oo few jobs in this field pay enough money”).

21 *Id.* (reporting that among undergraduates considering law, 18% of Asians, 14% of Blacks, 10% of Hispanics, 9% of Whites, and 10% overall selected “[l]ittle advancement opportunity in the field/takes too long to move up”).

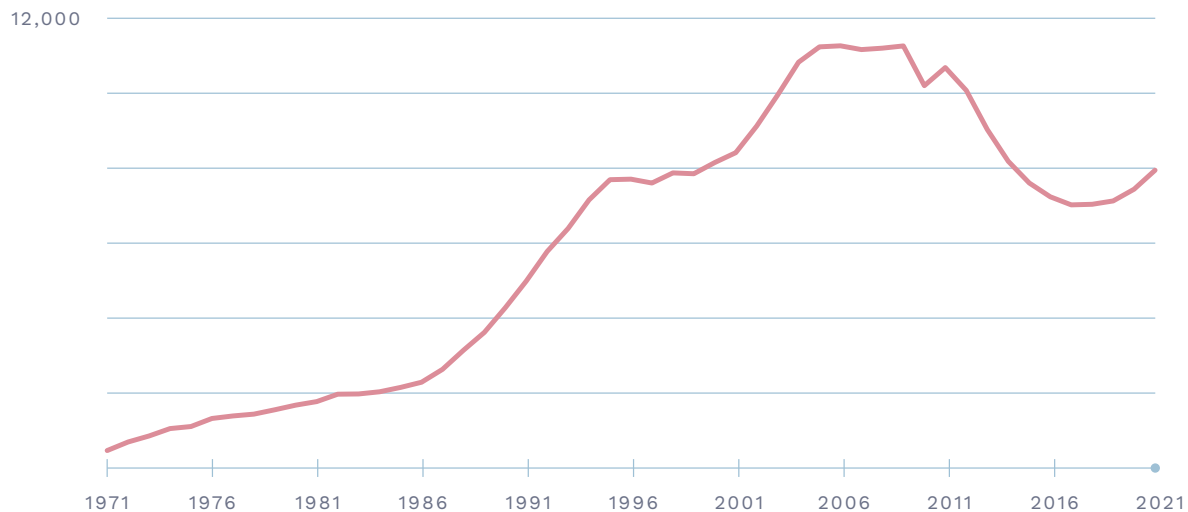
22 *Id.* at 32 fig.2.1, 108 tbl.A2.1 (reporting that 28% of Asians first considered law school after college, compared to 16% of law students overall, and that only 45% of Asians first considered law school before college, compared to well over half of law students overall and more than two-thirds of Black students).

important factor in their career selection.²³ Based on this data, the Enrollment Study concluded that the lack of familiarity with legal careers or the American legal system among family members may partly explain why Asians are significantly less likely than peers of other racial groups to consider law school before college.²⁴

Since the Enrollment Study, total Asian American enrollment has increased by 14.5% from 2017 to 2021.²⁵ During the same period, Asian American first-year enrollment increased from a 23-year low of 2,478 in 2017 to 2,906 in 2021.²⁶ Figure 1 shows total AAPI JD enrollment over the past four decades. It remains to be seen whether the recent uptick in Asian American enrollment will be sustained and to what extent it will result in net increases in the number of Asian American lawyers as ever-larger cohorts of Asian American lawyers retire.

Figure 1.
Asian or Pacific Islander JD Enrollment, 1971–2021

SOURCE: American Bar Association



Asian Americans remain disproportionately enrolled in higher-ranked schools.

In 2021, 36% 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 22% of Black students,

23 *Id.* at 30 fig.1.3 (reporting that among undergraduates surveyed, 51% of Asians, 43% of Blacks, 36% of Hispanics, and 37% of Whites rated “[w]hether my family thinks it would be a good choice” as an extremely or somewhat important factor in selecting a career).

24 Li, Yao & Liu, *supra* note 7, at 646.

25 *Section of Legal Education—ABA Required Disclosures*, *supra* note 4.

26 *Id.*

18% of Latinx students, and 24% of White students. Over half of Asian American law students in 2021 attended a law school in the top two quintiles.²⁷

Figure 2.
Minority Percentage of Total JD Enrollment by Tier, 2021

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

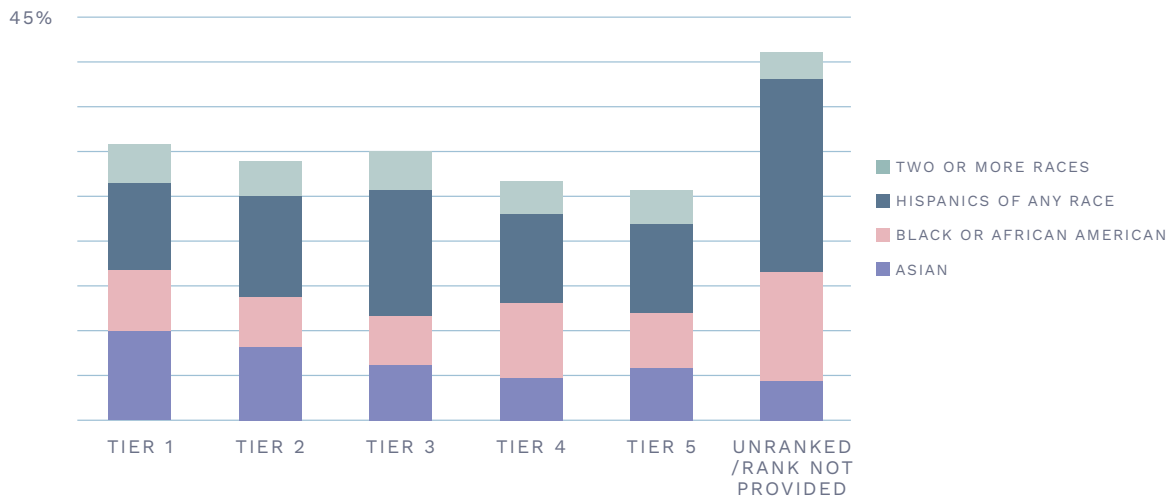
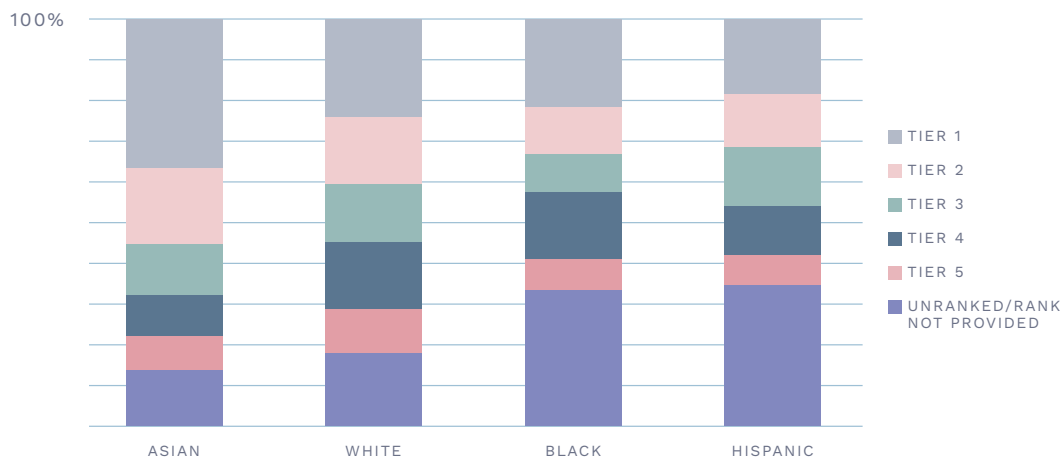


Figure 3.
Distribution of Each Racial or Ethnic Group Across Tiers, 2021

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



²⁷ We derived these figures by compiling and tabulating data from the ABA’s 509 Information Reports and grouping law schools according to the *U.S. News & World Report’s* 2021 rankings.

Compared to 2016 Survey respondents, more 2022 Survey respondents reported that one of their primary motivations for attending law school was to change or improve society. Relatively few reported that one of their primary motivations for attending law school was to gain a pathway into government or politics, although that number has also increased compared to the 2016 Survey.

The motivations for attending law school that 2022 Survey respondents ranked as most influential were to develop a satisfying career (first), to change or improve society (second), and intellectual challenge (third).

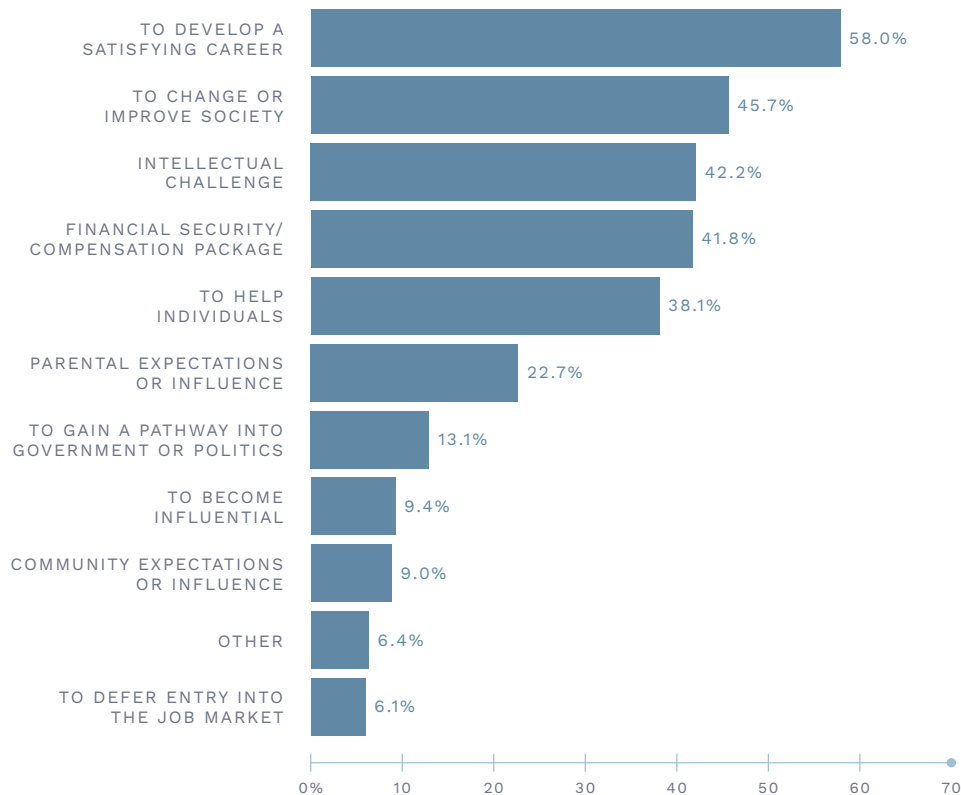
Notably, whereas the desire to change or improve society was the fourth most common motivation among 2016 Survey respondents,²⁸ it was the second most common among 2022 Survey respondents, with 46% identifying it among their top three motivations. Meanwhile, only 13% of 2022 Survey respondents indicated that one of their top three motivations was to gain a pathway into government or politics, although this figure is much higher than the 5% of 2016 Survey respondents who indicated the same. Only 9% of 2022 Survey respondents said one of their top three motivations for attending law school was to become influential.

28 See PORTRAIT PROJECT 2017, *supra* note 1, at 11.

Figure 4.**Top Three Reasons for Attending Law School**

Respondents were asked to rank how significant each of the 10 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 motivations for choosing law school.

SOURCE: 2022 Portrait Project Survey



Because the 2022 Survey respondents are older on average than the 2016 Survey respondents—only 5% of 2022 Survey respondents are under 30, compared to 11% of 2016 Survey respondents—it seems unlikely that these changes in motivation are being driven by young attorneys who went to law school during the past five years. Societal events since 2016, including the pandemic and the rise of reported anti-Asian hate incidents, may have influenced the most recent law school graduates to attend law school as a means to improve or change

society.²⁹ But recent events may also have caused more senior lawyers to reassess their motivations for attending law school in retrospect. It is also possible that in 2022, compared to 2016, attorneys who went to law school to change or improve society were more inclined to complete our survey.

In any event, these results remain 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.³⁰ Only 14% of Asian respondents in the *After the JD* study on race and ethnicity considered politics as an alternative career to law, compared to 34% of Whites, 32% of Blacks, and 27% of Hispanics.³¹ Likewise, 34% of the Asian undergraduates who took AALS's Before the JD survey said that gaining a pathway to a career in politics, government, or public service was a top reason for attending law school, compared to 34% of Black students, 42% of Hispanic students, and 46% of White students.³²

We find it notable that although relatively few Asian Americans are motivated to pursue law in order to enter government or politics or to become influential, 46% of 2022 Survey respondents said a key reason they went to law school was to change or improve society. This suggests that Asian American lawyers may seek to change or improve society through avenues such as public interest work, pro bono services, community activism, policy advocacy, or participation in professional associations, rather than government service or politics.

29 In an email to the authors on October 16, 2022, Shih-Chun Steven Chien and Stephen Daniels kindly shared as yet unpublished data on AAPI law students from their ongoing research on law students' motivations for attending law school. They found a relatively stable pattern between 2010 and 2021. The motivations of "having a challenging and rewarding career" and "furthering academic development" remained the most influential motivations, followed by financial security. Notably, their data suggest that the motivation to contribute to the public good was significantly more influential in 2021. They also found that the increased influence of this motivation was most dramatic among Asian American students. See also Shih-Chun Steven Chien & Stephen Daniels, *Who Wants to be a Prosecutor? And Why Care? Law Students' Career Aspirations and Reform Prosecutors' Goals*, 65 *How. L.J.* 173, 194-202 (2021); Stephen Daniels & Shih-Chun Steven Chien, *Beyond Enrollment: Why Motivations Matter to the Study of Legal Education and the Legal Profession*, LSSSE GUEST BLOG (Sept. 24, 2020), <https://lsse.indiana.edu/blog/guest-post-beyond-enrollment-why-motivations-matter/> [<https://perma.cc/8MJC-FZD9>]; Stephen Daniels & Shih-Chun Steven Chien, *Why Motivations Matter Revisited: More So Now*, LSSSE GUEST BLOG (Dec. 21, 2021), <https://lsse.indiana.edu/blog/guest-post-why-motivations-matter-revisited/> [<https://perma.cc/N8CR-B5NU>].

30 *After the JD* is a longitudinal study examining the first 10 years of law graduates' careers. Its national sample of nearly 4,000 lawyers admitted to the bar in 2000 was intended to be representative of the national population of new lawyers. The sample includes more than 200 Asian Americans. See RONIT DINOVTIZER ET AL., NALP FOUND. FOR L. CAREER RSCH. & EDUC. & AM. BAR FOUND., *AFTER THE JD: FIRST RESULTS OF A NATIONAL STUDY OF LEGAL CAREERS* 21 tbl.2.1 (2004); RONIT DINOVTIZER ET AL., NALP FOUND. FOR L. CAREER RSCH. & EDUC. & AM. BAR FOUND., *AFTER THE JD: SECOND RESULTS OF A NATIONAL STUDY OF LEGAL CAREERS* 19 tbl.2.1 (2009) [hereinafter *AJD II*]; RONIT DINOVTIZER ET AL., NALP FOUND. FOR L. CAREER RSCH. & EDUC. & AM. BAR FOUND., *AFTER THE JD: THIRD RESULTS OF A NATIONAL STUDY OF LEGAL CAREERS* 21 tbl.2.1 (2014) [hereinafter *AJD III*].

31 GITA Z. WILDER, NALP FOUND. FOR L. CAREER RSCH. & EDUC. & NAT'L ASS'N FOR L. PLACEMENT, RACE AND ETHNICITY IN THE LEGAL PROFESSION: FINDINGS FROM THE FIRST WAVE OF THE AFTER THE JD STUDY 52 tbl.30 (2008).

32 BEFORE THE JD, *supra* note 19, at 45 fig.5.2.

MAJOR FINDINGS

Clerkships and Mentorship

The percentage of Asian Americans serving as judicial clerks has changed little over the past quarter century.

In 1995, Asian Americans comprised 6.4% of federal clerks and 4.5% of state clerks. Over 25 years later, in 2021, Asian Americans comprised 5.8% of federal clerks and 6.3% of state clerks.³³ By comparison, Black/African American law graduates made up 5.5% of federal clerks and 5.4% of state clerks in 1995, compared to 5.2% of federal clerks and 6.2% of state clerks in 2021. Hispanic/Latinx law graduates comprised 3.4% of federal clerks and 2.1% of state clerks in 1995, compared to 5.5% of federal clerks and 8.6% of state clerks in 2021.³⁴

Figures 5 and 6 show the proportion of federal and state clerks identifying as AAPI, Black/African American, and Hispanic/Latinx. It includes data for the odd-numbered years between 1993 and 2011 and for every year thereafter.

33 The National Association for Law Placement (NALP) publicly reports data disaggregated by race/ethnicity for some years. *See, e.g., Increasing Diversity of Law School Graduates Not Reflected Among Judicial Clerks*, NAT'L ASS'N FOR L. PLACEMENT: NALP BULL. (Sept. 2014), <https://www.nalp.org/0914research> [<https://perma.cc/QA8H-8DF5>]; *A Demographic Profile of Judicial Clerks - 2006 to 2016*, NAT'L ASS'N FOR L. PLACEMENT: NALP BULL. (Oct. 2017), <https://www.nalp.org/1017research> [<https://perma.cc/SMA2-XS9M>]; *Racial/Ethnic Representation of Class of 2019 Judicial Clerks*, NAT'L ASS'N FOR L. PLACEMENT: NALP BULL. (Feb. 2021), <https://www.nalp.org/0221research> [<https://perma.cc/V5BW-64A4>]; *Judicial Clerks Remain Less Diverse than Law Graduates Overall*, NAT'L ASS'N FOR L. PLACEMENT: NALP BULL. (Oct. 2022), <https://www.nalp.org/1022research> [<https://perma.cc/F8R8-ZUTC>]. NALP provided data for the remaining years upon request.

34 *See id.*

Figure 5.
Minority Law Clerks in Federal Courts, 1993–2021

SOURCE: National Association for Law Placement

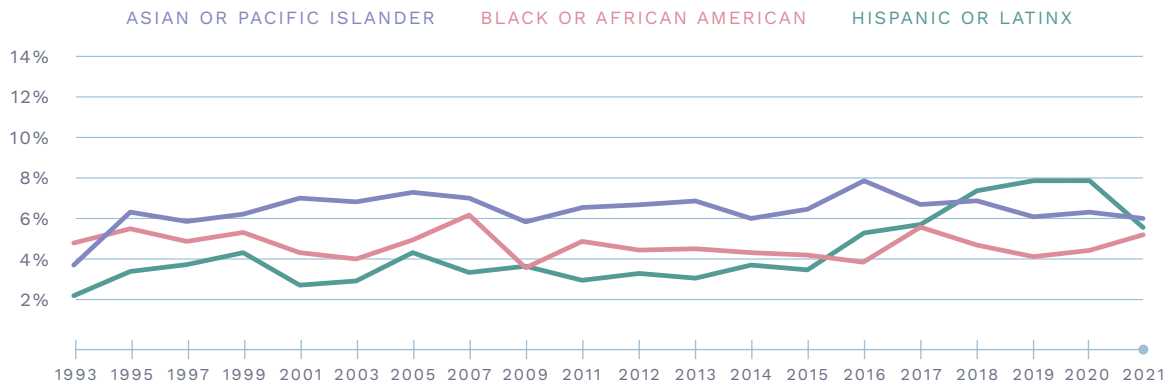
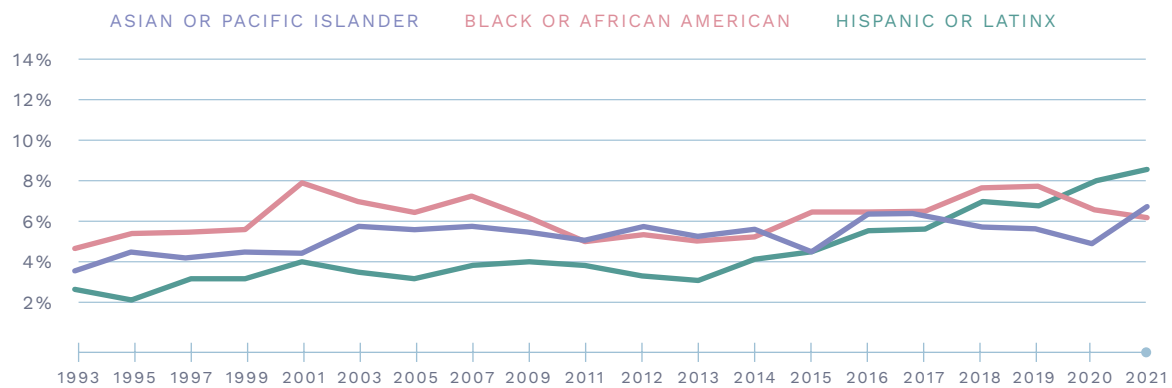


Figure 6.
Minority Law Clerks in State Courts, 1993–2021

SOURCE: National Association for Law Placement



The share of federal judicial law clerks from minority groups remains markedly lower than the share of minority graduates from top schools.

Figures 7 and 8 compare minority groups’ enrollment at the top 30 law schools with their attainment of judicial clerkships, in 2021 and historically.³⁵

Figure 7.
Top-30 Law School Graduates and Judicial Clerkships, 2021

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

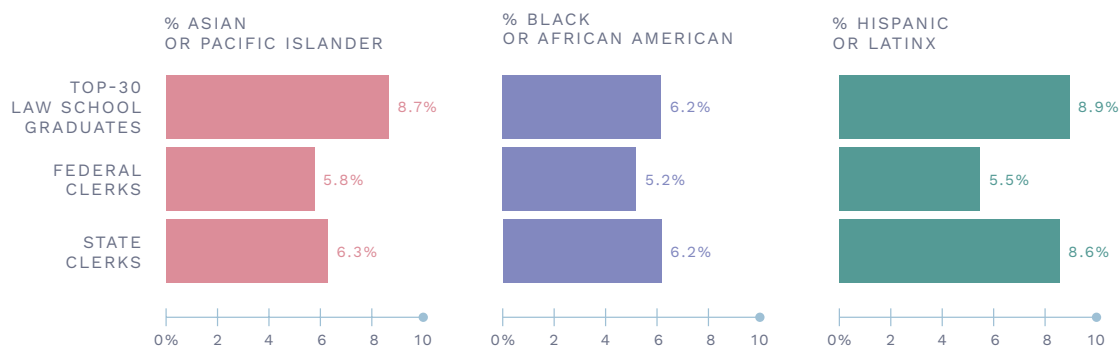
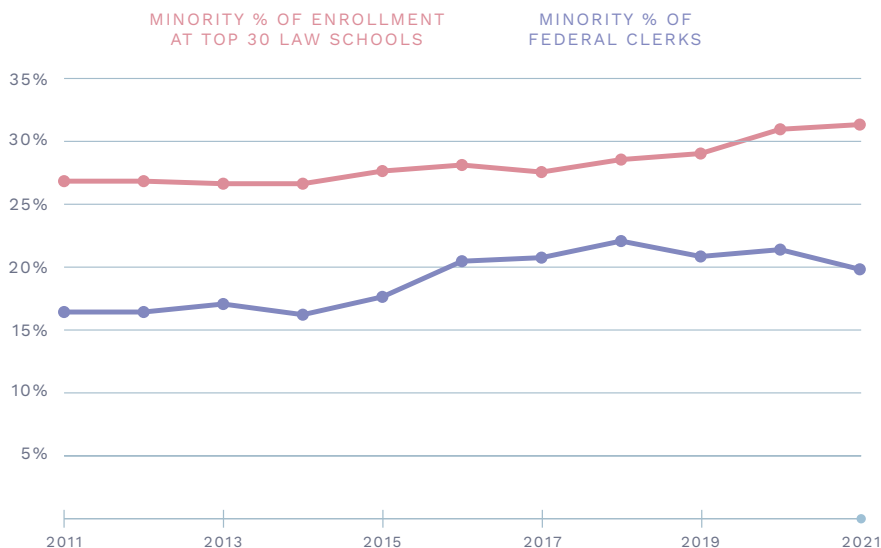


Figure 8.
Minority Enrollment at Top 30 Law Schools of Respective Year vs. Percentage of Federal Clerks, 2011–21

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



35 To compare with 2015 data, see PORTRAIT PROJECT 2017, *supra* note 1, at 13 fig.6.

Interest in pursuing clerkships varies by race, socioeconomic status, and gender.

A recent study interpreting data from the Law Student Survey of Student Engagement (LSSSE) lists four observations about students' views on clerkships.

- First, judicial clerkships are frequently more of an aspirational (rather than expected) career goal for almost all respondents, including those with strong academic records.³⁶
- Second, student preferences for and expectations of clerkships vary considerably by race.³⁷ In the LSSSE survey, students were asked to identify the setting in which they would most prefer to work after graduation and the setting in which they most expected to work.³⁸ As both 1Ls and 3Ls, White students overwhelmingly preferred clerkships at a higher rate than their Asian American, Latinx, and Black classmates.³⁹ Underrepresented minority groups generally become increasingly interested in clerkships during the course of law school, with Asian Americans reporting the greatest overall growth in their preferences for clerkships—an increase of 3.24 percentage points, compared to 1.76 for Black students, 1.20 for Latinx students, and 1.94 for White students.⁴⁰
- Third, students from higher socioeconomic backgrounds, based on parents' educational backgrounds and educational debt levels, appear to prefer clerkships at higher rates than their counterparts.⁴¹
- Fourth, women generally prefer clerkships more than men do. Women have made up roughly half of all judicial clerks (state and federal) since at least 2006, reflecting their representation among law graduates but not their greater preference for clerkships.⁴² But historically, fewer women than men have secured federal clerkships.⁴³ And Latina women

36 Shih-Chun Steven Chien, Ajay K. Mehrotra & Xiangnong Wang, *Sociolegal Research, the Law Student Survey of Student Engagement, and Studying Diversity in Judicial Clerkships*, 69 J.L. EDUC. 530, 544 (2020) (citing IND. UNIV. CTR. FOR POSTSECONDARY RSCH., ANNUAL SURVEY RESULTS: PREFERENCES & EXPECTATIONS FOR FUTURE EMPLOYMENT 8 (2017), <https://lssse.indiana.edu/wp-content/uploads/2015/12/2017-Annual-Survey-Results.pdf> [<https://perma.cc/Z8VG-Q8KJ>]).

37 *Id.*

38 *Id.* at 543 n.60.

39 *Id.* at 544.

40 *Id.* at 550 fig.5.

41 *Id.* at 544, 555-59.

42 *Id.* at 544, 552.

43 *Id.* at 540; see also Alex Badas & Katelyn E. Stauffer, *Gender and Ambition Among Potential Law Clerks*, J.L. & CTS. (forthcoming) (manuscript at 11), <https://www.alexbadas.com/uploads/6/7/8/2/67829045/badasstaufferjlcgenderambition.pdf> (finding that among women and men with the same self-reported levels of qualification and encouragement, women are less likely to apply for federal circuit court and Supreme Court clerkships, but similarly likely to apply for federal district court and state court clerkships).

were the only group in the class of 2019 data that showed a decline in preference for clerkships between their 1L and 3L years.⁴⁴

More recent data show that the underrepresentation of women in federal clerkships persists. In 2021, women made up 53.2% of law graduates but secured 48.4% of federal clerkships.⁴⁵

The likelihood of clerking is positively associated with having mentors in law school.

In our 2022 Survey, 30% of respondents who had more than two mentors in law school obtained a state or federal clerkship, compared to 25% of respondents with one or two mentors and 12% of respondents who had no mentors. Whereas 8% of respondents with more than two mentors obtained a federal appellate clerkship, the same was true of 6% of respondents with one or two mentors and 1% of respondents who had no mentors. The 2016 Survey similarly showed a positive correlation between the number of mentors and the likelihood of clerking.⁴⁶

It is not clear from these data whether mentoring increases the likelihood of obtaining a clerkship or whether students who seek mentors are better clerkship candidates. Both may be true. 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.⁴⁷

While most respondents were somewhat or very satisfied with their mentorship experiences during law school, some noted difficulties identifying and developing relationships with mentors.

Among 2022 Survey respondents who reported the number of mentors they had in law school, 33% indicated they had no mentors at all. Among respondents who provided written explanations of their mentorship experience, many reported that it was or would have been

44 Chien, Mehrotra & Wang, *supra* note 36, at 553-54.

45 *Judicial Clerks Remain Less Diverse than Law Graduates Overall*, *supra* note 33.

46 PORTRAIT PROJECT 2017, *supra* note 1, at 14.

47 Access to mentoring opportunities also warrants further study in light of evidence that faculty may be less responsive to mentoring requests from female students and minority students, and especially from Asian students. *See generally* 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).

more helpful to develop relationships with mentors of similar identities or backgrounds. Respondents reported difficulty in obtaining such mentors due to the compositions of their law school faculties and the small number of Asian Americans in the legal profession generally, especially in earlier decades. Respondents who were the first in their families to attend college or law school were especially likely to report not knowing as law students about the importance of mentorship in their future careers.

Despite these challenges, over half of 2022 Survey respondents indicated they were either somewhat or very satisfied with mentorship in law school. Among those who successfully found mentors, whether in law school or in their careers after graduation, many reported great benefit from those relationships. It is also possible that respondents had limited expectations for the mentorship they would receive in law school and were thus less prone to dissatisfaction.

Figure 9.

Satisfaction with Mentorship Received in Law School

SOURCE: 2022 Portrait Project Survey

VERY DISSATISFIED	SOMEWHAT DISSATISFIED	NEITHER SATISFIED NOR DISSATISFIED	SOMEWHAT SATISFIED	VERY SATISFIED
11%	9%	20%	35%	24%

“I never thought to look for mentors in law school. I did not have any mentors, formal or informal, up through that point in my life. I am the first and only attorney in my family, and I had limited exposure to law and the legal profession. In law school, I did not have any Asian American law professors. At my 1L and 2L summer associate programs, I did not work with any Asian American partners. It was not until I started full time at a law firm after passing the bar that I started working with an Asian American partner, and it changed the course of my career.”

“Mentorship is so integral to the paths I took, including clerkships, and yet because of the general population of professors, it’s difficult to find mentors who are similar to you, including those who are AAPI and sometimes women or those who recognize intersectional identities.”

“I had to actively seek out mentors and felt like some (particularly White mentors) had preconceived notions of Asian Americans as hard workers and intense but not particularly savvy in navigating the law.”

“I did not find many mentors I could identify with during law school. I would have loved to have a woman of color mentor who looked like me and had the same background as me, but they were all so busy that I didn’t want to add more to their plate, so I didn’t seek their help. There are so few women of color in the legal field, and so much labor is demanded of them.”

“My mentors have provided me with insight into their career paths, served as references and wrote letters of recommendation, and overall provided support throughout my professional journey. Some of my best mentors have taken the time to share with me their personal experiences being an attorney and a woman of color in the profession.”

MAJOR FINDINGS

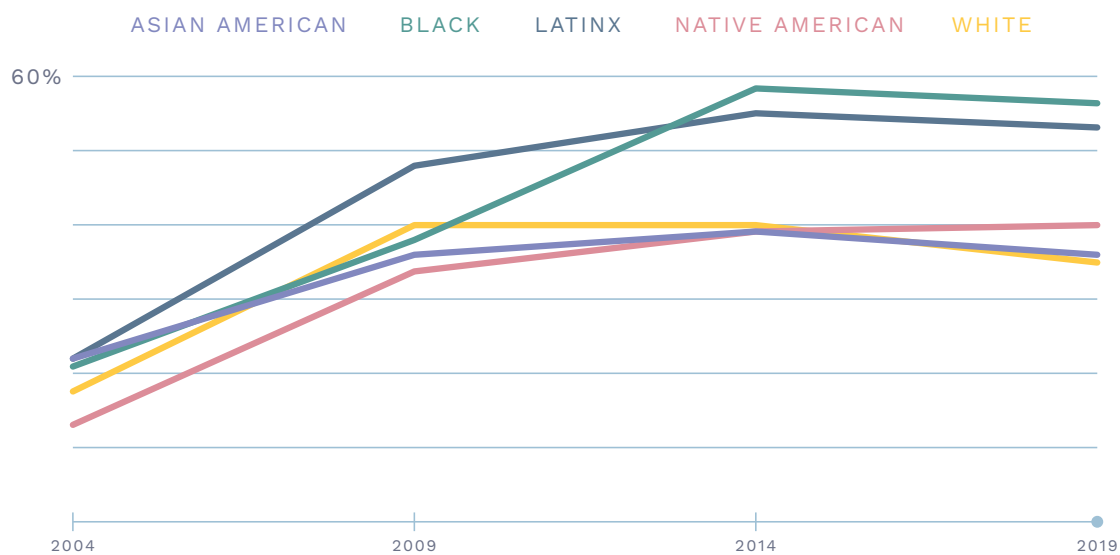
Law School Debt and Post-JD Employment

Asians graduate from law school with lower levels of debt than most other groups.

The LSSSE survey administered to law students nationwide⁴⁸ found that in 2019, 36% of Asian American students expected to owe over \$100,000 in law school debt, compared to 35% of White students, 40% of Native American students, 53% of Latinx students, and 56% of Black students.⁴⁹

Figure 10.
Students Expected to Owe Over \$100k, by Year and Race

SOURCE: Law Student Survey of Student Engagement



⁴⁸ Since 2004, 203 law schools in the United States, Canada, and Australia have administered the LSSSE survey, eliciting over 380,000 student responses. MEERA E. DEO, CHAD CHRISTENSEN & JACQUELYN PETZOLD, IND. UNIV. CTR. FOR POSTSECONDARY RSCH., THE CHANGING LANDSCAPE OF LEGAL EDUCATION: A 15-YEAR LSSSE RETROSPECTIVE 6 (2020).

⁴⁹ *Id.* at 10.

Women generally incur more law school debt than men, with Black and Latinx women especially likely to carry a heavy debt load. For Asian Americans, however, women are less likely than men to incur the highest levels of debt; 7.7% of Asian American women expected to owe more than \$200,000 in student loan debt, compared with 9.9% of Asian American men. The same level of debt was expected by 14% of Black women and 7.3% of Black men, 16% of Latinx women and 12% of Latinx men, and 5.5% of White women and 4.3% of White men.⁵⁰

Compared to other law graduates, Asians are the most likely to work in private practice and the least likely to work in government or public interest.

The National Association for Law Placement (NALP) conducts an annual survey of graduates of ABA-accredited law schools nine months after graduation. According to NALP's 2020 survey, Asian graduates were the most likely of any group to be employed in private practice.⁵¹ Sixty-five percent of Asian graduates obtained jobs in private practice, compared to 45.9% of Black or African American graduates, 57.9% of Latinx graduates, and 56.6% of White graduates. Asians were the least likely to be employed in government or public interest work in the first year after law school.

Figure 11.
Employer Types by Race/Ethnicity, 2020⁵²

SOURCE: National Association for Law Placement

	PRIVATE PRACTICE	GOVERNMENT	PUBLIC INTEREST	CLERKSHIPS	BUSINESS
ASIAN (n=2,120)	65.0%	7.5%	6.4%	7.2%	12.3%
BLACK OR AFRICAN AMERICAN (n=2,050)	45.9%	16.1%	11.8%	8.8%	14.8%
LATINX (n=2,867)	57.9%	11.4%	12.5%	8.1%	8.5%
WHITE (n=17,903)	56.6%	11.4%	8.1%	12.9%	9.7%

50 MEERA E. DEO & CHAD CHRISTENSEN, IND. UNIV. CTR. FOR POSTSECONDARY RSCH., ANNUAL SURVEY RESULTS: THE COST OF WOMEN'S SUCCESS 9 (2019).

51 NAT'L ASS'N FOR L. PLACEMENT, JOBS & JDS: EMPLOYMENT AND SALARIES OF NEW LAW GRADUATES—CLASS OF 2020 82 (2021).

52 Figures are based on all jobs. Figures in parentheses indicate the number of graduates represented. Not all employer types are shown in the table.

This pattern appears fairly stable over time. In the *After the JD* sample of lawyers admitted to the bar in 2000, 70% of Asians worked in law firms or business settings two years into practice, compared to 72% of Whites, 52% of Blacks, and 58% of Hispanics.⁵³ By contrast, 14% of Asians worked in government, compared to 16% of Whites, 27% of Blacks, and 21% of Hispanics.⁵⁴

53 WILDER, *supra* note 31, at 16 tbl.5.

54 *Id.*

MAJOR FINDINGS

Law Firms and Corporate Counsel

For over 20 years, Asian Americans have been the largest minority group at major law firms.⁵⁵

In the NALP 2021 report on major U.S. law firms, based on data provided by 877 offices, Asians comprised 8.06% of attorneys, whereas African Americans comprised 3.63% and Latinx attorneys comprised 4.37%.⁵⁶ Law360's survey of nearly 300 firms found that in 2021 Asian Americans comprised 8% of U.S.-based attorneys, whereas African Americans comprised 4% and those identifying as Hispanic comprised 5%.⁵⁷ In addition, a survey of 225 law firms by the Minority Corporate Counsel Association (MCCA) reported that in 2020, 12.6% of associates and 14.4% of summer associates were Asian American, 5.3% of associates and 9.0% of summer associates were Black or African American, and 6.2% of associates and 7.5% of summer associates were Hispanic or Latinx.⁵⁸

Asian Americans have the highest ratio of associates to partners of any racial or ethnic group, and this has been true for over 20 years.⁵⁹

Law360's survey reported that in 2021 the ratio of non-partners to partners was 3.12 for Asian American attorneys, 2.86 for Black attorneys, 2.57 for Hispanic attorneys, and 1.12 for White attorneys.⁶⁰ Similarly, the ratio of associates to partners in the 225 firms surveyed by MCCA

55 U.S. EQUAL EMP. OPPORTUNITY COMM'N, DIVERSITY IN LAW FIRMS 10 (2003), <https://www.eeoc.gov/special-report/diversity-law-firms> [<https://perma.cc/MD9X-TGVW>] (tracking employment data among larger legal service firms by race/ethnicity from 1975 to 2002). *Women and Minorities at Law Firms – What Has Changed and What Has Not in the Past 25 Years*, NAT'L ASS'N FOR L. PLACEMENT: NALP BULL. (Feb. 2018), <https://www.nalp.org/0218research> [<https://perma.cc/4ZLS-3EGE>].

56 NAT'L ASS'N FOR L. PLACEMENT, 2021 REPORT ON DIVERSITY IN U.S. LAW FIRMS 19 tbl.2 (2022).

57 Jacqueline Bell, *Law360's Diversity Snapshot: What You Need to Know*, LAW360 (July 25, 2022), <https://www.law360.com/articles/1513172/law360-s-diversity-snapshot-what-you-need-to-know> [<https://perma.cc/B25Q-DXHA>].

58 MINORITY CORP. COUNS. ASS'N, LAW FIRM DIVERSITY SURVEY 7 (2021), <https://mcca.com/wp-content/uploads/2021/12/2021-MCCA-Law-Firm-Diversity-Survey-Report.pdf> [<https://perma.cc/6XBW-ZLC7>].

59 NAT'L ASS'N FOR L. PLACEMENT, *supra* note 56.

60 Bell, *supra* note 57.

in 2020 was 2.93 for Asian American attorneys, compared to 2.21 for African American/Black attorneys, 2.0 for Hispanic/Latinx attorneys, and 0.81 for White/Caucasian attorneys.

The disparity also applies at the equity partner level. According to MCCA data from 2020, the ratio of associates to equity partners was 2.93 for Asian American attorneys, compared to 2.41 for Black/African American attorneys, 2.21 for Hispanic/Latinx attorneys, and 0.81 for White/Caucasian attorneys.⁶¹ Asian Americans comprised 4.3% of equity partners at major firms in 2020, whereas almost 90% of equity partners were White. As discussed below, law firm attrition appears to be particularly severe among minority women, including Asian American women.

Figure 12.
Demographics of Law Firms, 2020

SOURCE: Minority Corporate Counsel Association Diversity Survey Report

	ALL ATTORNEYS	ASSOCIATES	EQUITY PARTNERS	ASSOCIATES/ EQUITY PARTNERS RATIO
ASIAN AMERICAN	8.6%	12.6%	4.3%	2.9
AFRICAN AMERICAN/ BLACK	4.2%	5.3%	2.2%	2.4
HISPANIC/ LATINX	4.7%	6.2%	2.8%	2.2
WHITE	79.8%	72.2%	89.6%	0.8

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 is partly a function of how recently Asian Americans have entered the legal profession in substantial numbers. But the significance of this explanation has diminished over time, and as discussed below, Asian Americans have high attrition rates in law firms and report significant obstacles to career advancement.

61 MINORITY CORP. COUNS. ASS'N, *supra* note 58, at 7.

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

Although Asian Americans comprised 7.8% of all attorneys in the Vault/MCCA survey data for 2019, they held 4.1% of seats on executive management committees.⁶² African American/Black and Hispanic/Latinx attorneys were better represented in these leadership roles relative to their respective numbers in the overall firm population. African American/Black attorneys made up 3.7% of all attorneys and 3.7% of management-level committee members, while Hispanic/Latinx attorneys made up 4.4% of all attorneys and 3.0% of management-level committee members.⁶³

Among Asian Americans and other minority groups, women are more likely to be associates and less likely to be partners.

In the Vault/MCCA survey of 2020 data, Asian American women made up 7.4% of associates and 1.8% of partners, compared to 5.1% and 2.5% for Asian American men, respectively.⁶⁴ Asian American women made up 3.9% of attorneys promoted to partner in 2020, slightly higher than 3.5% for Asian American men.⁶⁵

Similarly, African American/Black women comprised 3.2% of associates (compared to 2.1% for African American/Black men) and 0.9% of partners (compared to 1.4% for African American/Black men).⁶⁶ Hispanic/Latinx women made up 3.3% of associates (compared to 2.9% for Hispanic/Latinx men) and 1.0% of partners (compared to 2.0% for Hispanic/Latinx men).⁶⁷ The ratio of men to women at the partner rank is even more skewed among White/Caucasian attorneys; only 21.8% of White/Caucasian partners are women.⁶⁸

62 MINORITY CORP. COUNS. ASS'N & VAULT, 2020 VAULT/MCCA LAW FIRM DIVERSITY SURVEY REPORT 27 tbl.A4 (2020), https://mcca.com/wp-content/uploads/2021/02/2020-Vault_MCCA-Law-Firm-Diversity-Survey-Report-FINAL.pdf [<https://perma.cc/RF4R-ZKLS>].

63 *Id.*

64 MINORITY CORP. COUNS. ASS'N, *supra* note 58, at 18.

65 *Id.* at 19.

66 *Id.* at 22.

67 *Id.* at 20.

68 *Id.* at 16.

An ABA study published in 2019, based on input from over 1,200 big firm lawyers who have been in practice for at least 15 years, showed that women surveyed were far more likely than men to report factors that blocked their “access to success.”⁶⁹ Women were far more likely to report being overlooked for advancement, being denied a salary increase or bonus, feeling treated as a token representative for diversity, lacking access to business development opportunities, being perceived as less committed to her career, or lacking access to sponsors.⁷⁰

A 2022 study by the Institute for Inclusion in the Legal Profession reported the percentages of total matters assigned to women, disaggregated by race and ethnicity, based on survey responses from 136 corporations.⁷¹ It found that “[w]ell over half of the matters that respondents assigned to [diverse] outside counsel were assigned to White women lawyers who were given primary responsibility for the matters.”⁷² African American and Hispanic women received a very small amount of the work assigned to women, and Asian American and Native American women received “almost none.”⁷³

The MCCA survey of 2020 data reports that less than 0.1% of full-time attorneys at the firms surveyed identified their gender as non-binary.

The attrition rate for Asian Americans, like those of other minority groups, is disproportionately high.

Attrition rates remain disproportionately high among minority attorneys. While Asian Americans made up 7.8% of all attorneys in the Vault/MCCA 2019 survey, they comprised 10.4% of attorneys who left their firms that year. Similarly, African American/Black attorneys made up 3.7% of attorneys but 5.8% of those leaving their firms, and Hispanic/Latinx

69 ROBERTA D. LIEBENBERG & STEPHANIE A. SCHARF, AM. BAR ASS’N, WALKING OUT THE DOOR: THE FACTS, FIGURES, AND FUTURE OF EXPERIENCED WOMEN LAWYERS IN PRIVATE PRACTICE 7-8 (2019), https://www.americanbar.org/content/dam/aba/administrative/women/walkoutdoor_online_042320.pdf [<https://perma.cc/3ZX4-PB9D>].

70 *Id.* See generally JOYCE STERLING & LINDA CHANOW, AM. BAR ASS’N, IN THEIR OWN WORDS: EXPERIENCED WOMEN LAWYERS EXPLAIN WHY THEY ARE LEAVING THEIR LAW FIRMS AND THE PROFESSION (2021), <https://www.americanbar.org/content/dam/aba/administrative/women/intheirownwords-f-4-19-21-final.pdf> [<https://perma.cc/G4RY-SKBU>] (presenting findings from focus groups and individual interviews).

71 Vivia Chen, *Asian American Women Are the Losers in Big Law*, BLOOMBERG L. (Sept. 30, 2022, 7:00 AM), <https://news.bloomberglaw.com/business-and-practice/asian-women-are-the-losers-in-big-law> [<https://perma.cc/XS4B-7PAF>] (quoting INSTITUTE FOR INCLUSION IN THE LEGAL PROFESSION, DIVERSE OUTSIDE COUNSEL: WHO’S GETTING THE BUSINESS? 20 (2022)).

72 INSTITUTE FOR INCLUSION IN THE LEGAL PROFESSION, *supra* note 71, at 27.

73 *Id.* at 30; see also DESTINY PEERY, PAULETTE BROWN & EILEEN LETTS, AM. BAR ASS’N, LEFT OUT AND LEFT BEHIND: THE HURDLES, HASSLES, AND HEARTACHES OF ACHIEVING LONG-TERM LEGAL CAREERS FOR WOMEN OF COLOR 2 (2020), <https://www.americanbar.org/content/dam/aba/administrative/women/leftoutleftbehind-int-f-web-061020-003.pdf> [<https://perma.cc/U9GF-ZH3Z>] (reporting findings from 103 women of color fifteen or more years out of law school on their unique challenges).

attorneys made up 4.4% of attorneys but 5.2% of those leaving.⁷⁴ These figures are similar to those we reported five years ago.⁷⁵

Attrition rates among attorneys of color are most pronounced at the associate level. MCCA's 2020 survey revealed that Asian Americans comprised 12.8% of associates who left their firms that year, compared to 7.9% for African American/Black attorneys and 6.7% for Hispanic/Latinx attorneys.⁷⁶

According to *After the JD* data, the number of Asian Americans working in firms with over 100 attorneys declined by 68% over the decade from two to 12 years after bar admission, compared to a 61% decline among Blacks, a 44% decline among Hispanics, and a 53% decline among Whites.⁷⁷

Further study is needed to examine why Asian Americans leave firms at the highest rates. One reason may be that Asian American attorneys are more likely than other groups to leave firms for the business sector, including in-house counsel positions as well as positions not practicing law. The *After the JD* study reported that 14.5% of Asian Americans were in the business sector two years after bar admission, compared to 27.5% in this sector a decade later—a greater increase than for Black, Hispanic, or White attorneys.⁷⁸ Figure 14 shows that, among attorneys working in midsize to large firms at the beginning of their careers, Asian Americans were the least likely to still be in such firms 12 years after bar admission and the most likely to be in the business sector.

Figure 13.

Percentage of Lawyers in Business Sector by Race/Ethnicity, 2012-13

SOURCE: American Bar Foundation; NALP Foundation for Law Career Research and Education

	ASIAN	BLACK	HISPANIC	WHITE
2 YEARS AFTER BAR ADMISSION	14.5%	7.6%	8.4%	8.5%
12 YEARS AFTER BAR ADMISSION	27.5%	19.5%	15.3%	19.9%

74 MINORITY CORP. COUNS. ASS'N & VAULT, *supra* note 62, at 13-15.

75 PORTRAIT PROJECT 2017, *supra* note 1, at 19. Attrition rates increased for all three groups over a five-year span. In 2014, Asian American attorneys made up 8.9% of attorneys who left their firms that year, compared to 4.9% for African American/Black attorneys and 4.3% for Hispanic/Latinx attorneys. *Compare id.*, with MINORITY CORP. COUNS. ASS'N & VAULT, *supra* note 62, at 13-15.

76 MINORITY CORP. COUNS. ASS'N, *supra* note 58, at 18, 20, 22.

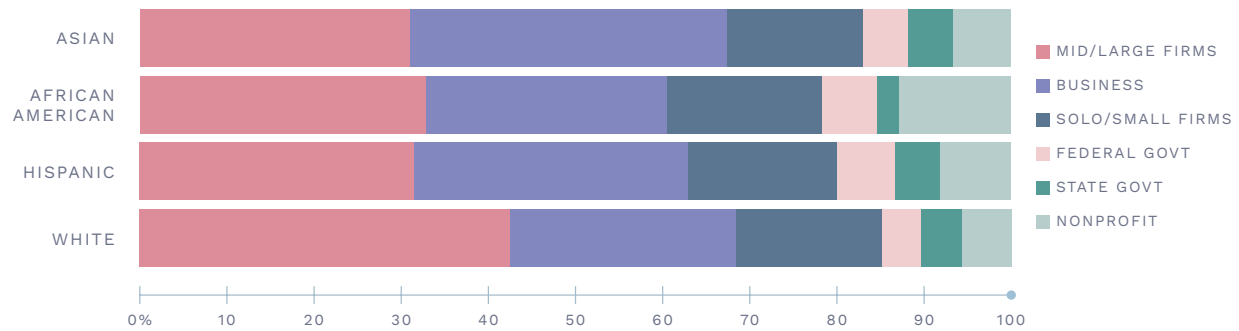
77 AJD III, *supra* note 30, at 74 tbl.9.1.

78 *Id.*

Figure 14.

Employment Settings 12 Years into Practice Among Lawyers Who Were at Midsize to Large Firms in Second Year of Practice, by Race/Ethnicity, 2012-13

SOURCE: American Bar Foundation⁷⁹



“I was working at a very conservative firm when George Floyd died. They didn’t put out a statement. We didn’t have any Black attorneys at the law firm. It was very isolating but I couldn’t exactly articulate why. . . . In terms of authentic self and work, I didn’t feel like I could bring my whole self. The work wasn’t fulfilling for me either, and that’s why I made the decision to leave. . . . [My current job is] much more welcoming. . . . We’re mission driven. I felt isolated and I didn’t know why until I left.”

“I left my law firm. I had to project the image of being a good associate who was always ready to be part of the team. I didn’t want to create a problem by speaking out about anything. It feels different than being in-house. I’m encouraged to talk about my feelings with current events. I’m also concerned about the amount of putting on a show of supporting diverse attorneys at firms. It’s hard to see that people are really going to follow through on a lot of things. My former firm had a lot of these diversity initiatives, but three diverse partners left in the same year due to pay issues. It was disheartening.”

⁷⁹ Analysis conducted by the American Bar Association on February 26, 2018 upon request.

“I moved in-house recently. My last law firm did a lot of virtue signaling. [T]hey made statements, gave us a day off for Juneteenth, etc. I had to fight so hard to be the first woman to be promoted internally for over a decade. I didn’t see more meaningful discussion on issues. They issued statements, but that’s different from looking at internal policies and practices. I would be outspoken about, for example, diverse attorneys not being retained. I was told that the facts were not the facts; they would say certain attorneys simply couldn’t succeed. [Now] I feel like I can have more honest conversations about diversity and inclusion initiatives.”

The number of Asian American and Pacific Islander general counsel in the Fortune 1000 has increased over the past decade.

In 2009, among the general counsel (GCs) of Fortune 1000 companies, 19 were AAPI, 36 were African American, 10 were Hispanic, and one was Native American.⁸⁰ Among these 66 minority GCs, 15 were women: two AAPI, four Hispanic, and nine African American.⁸¹

Just over a decade later, in 2020, 45 of the Fortune 1000 GCs were AAPI, 48 were African American, 22 were Hispanic/Latinx, and 860 were White.⁸² A total of 296 were women: 17 AAPI, 27 African American, eight Hispanic/Latinx, and 244 White. The 2020 survey did not report numbers for American Indians or Alaska Natives.⁸³

80 *MCCA’s 2009 Fortune 500 Minority General Counsel*, DIVERSITY & BAR, Sept.–Oct. 2009, at 17, <https://archive.mcca.com/wp-content/uploads/2017/10/Minority-GC-survey-2009-by-industry.pdf> [<https://perma.cc/TV3V-7QNN>].

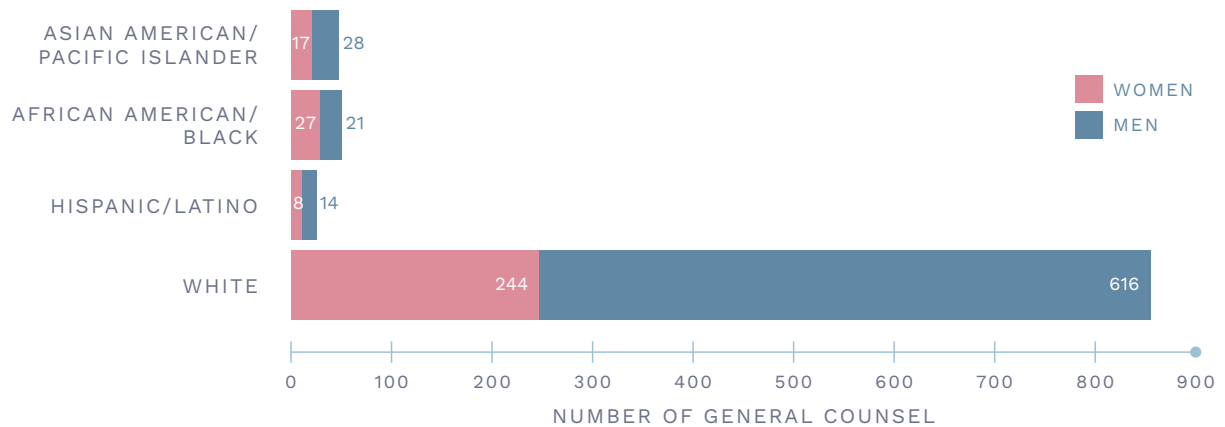
81 *MCCA’s 2009 Survey of Fortune 500 Women General Counsel*, DIVERSITY & BAR, July–Aug. 2009, at 15, <https://archive.mcca.com/wp-content/uploads/2017/10/Women-GC-survey-2009-by-industry.pdf> [<https://perma.cc/H2NT-BXGR>].

82 MINORITY CORP. COUNS. ASS’N, 2021 MCCA FORTUNE 1000 GC SURVEY 4 tbl.1 (2021), <https://mcca.com/2021-fortune-1000-gc-survey/>.

83 Between 2019 and 2020, there was no net change in the total number of AAPI GCs, compared to a 5.88% decrease in African American/Black GCs, a 4.76% increase in Hispanic/Latinx GCs, and a 1.42% increase in White GCs. *Id.* at 4 tbl.2. Over the same period, the share of female GCs rose 2.42% overall. *Id.* There was a 6.25% increase in the number of AAPI women, no net change in the number of African American/Black women, a 14.29% increase in the number of Hispanic/Latinx women, and a 3.39% increase in the number of White women. *Id.*

Figure 15.**Demographics of Fortune 1000 General Counsels, 2020**

SOURCE: Minority Corporate Counsel Association



Among racial or ethnic minorities, AAPIs had the highest number of GCs in a single sector, with 13 in the consumer services industry in 2020.⁸⁴

84 *Id.* at 6.

MAJOR FINDINGS

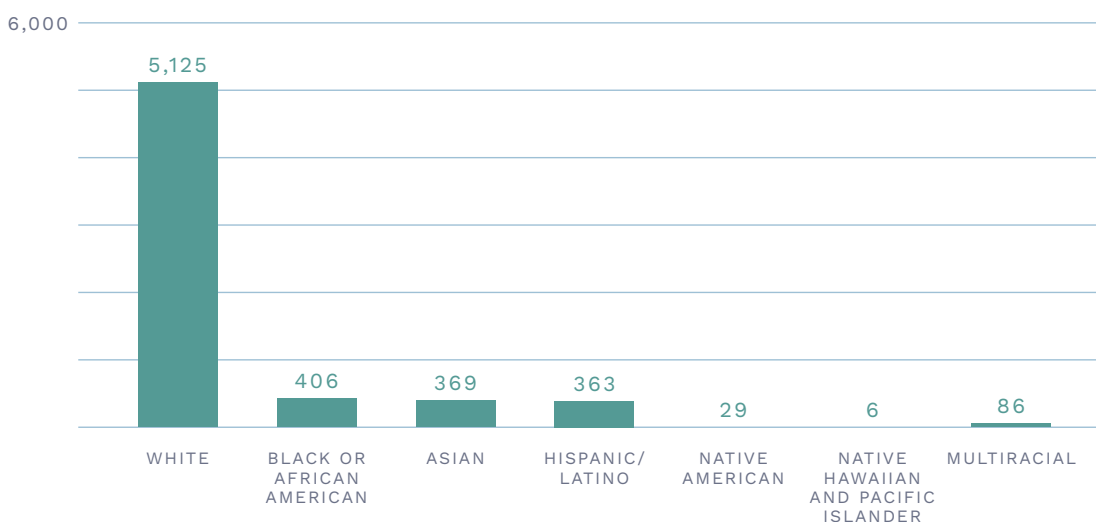
Prosecutors and Public Defenders

Prosecutors and public defenders play prominent roles in our criminal justice system and local communities. Although Asian Americans serve in significant numbers in some geographic areas, overall they are grossly underrepresented at the highest levels of the justice system.

By one count, among 6,293 Assistant U.S. Attorneys (AUSAs) nationwide in December 2021, 5.8% were Asian, 6.4% were Black, and 4.0% were Hispanic or Latino.⁸⁵ Five years ago, we cited a study reporting that 5.2% of AUSAs were Asian American, 8.0% were Black, and 5.2% were Hispanic or Latino in 2013-14.⁸⁶

Figure 16.
Demographics of Assistant U.S. Attorneys, 2021

SOURCE: Office of Personnel Management, Federal Workforce Data, Diversity Cubes Dec. 2021



⁸⁵ *Federal Workforce Data: December 2021*, U.S. OFF. PERS. MGMT. (Dec. 2021), <https://www.fedscope.opm.gov/diversity.asp>. This number was based on attorneys working in the U.S. Department of Justice under the AD pay scale, which is the pay scale of Assistant U.S. Attorneys. See *Administratively Determined Pay Plan Charts*, DEP'T OF JUST. (Jan. 4, 2022), <https://www.justice.gov/usao/career-center/salary-information/administratively-determined-pay-plan-charts> [<https://perma.cc/M229-BDM9>].

⁸⁶ PORTRAIT PROJECT 2017, *supra* note 1, at 22 fig.13.

In some regions with large Asian American populations, the number of local district attorneys of Asian descent has declined. Asians comprise about 13% of the population of Manhattan. Among 594 staff attorneys in the Manhattan District Attorney’s Office in 2022, 33 (5.6%) were Asian, 47 (7.9%) were Black or African American, and 28 (4.7%) were Hispanic or Latino.⁸⁷ These percentages represent declines from 2016, when 8.6% of these attorneys were Asian, 10% were Black or African American, and 6.1% were Hispanic or Latino.⁸⁸ One contributing factor may be that recent Asian American law school graduates chose to go into criminal law at lower percentages than their peers in other racial and ethnic groups (8% for Asian American students in 2016-18 versus 13% for White, 17% for Black, and 16% for Hispanic students).⁸⁹

The overall number of Asian Americans at the supervisory and elected levels remains disturbingly low throughout the United States.

Out of 93 possible Presidentially appointed U.S. Attorneys, only one currently serving identifies as Asian American. That individual, Cindy Chung, the U.S. Attorney for the Western District of Pennsylvania, is presently a nominee for the U.S. Court of Appeals for the Third Circuit. Unless another Asian American is appointed by the President and confirmed by the Senate, the number of Presidentially appointed U.S. Attorneys who are Asian American will drop to zero.⁹⁰

A 2019 survey of 2,396 elected prosecutors nationwide identified only 14 who were Asian American.⁹¹ However, upon further scrutiny of the underlying data, we were able to verify only eight who identified as Asian American, representing 0.29% of the total. Although this includes prominent officeholders like Connecticut Attorney General William Tong, the number of elected prosecutors who are Asian Americans has increased only slightly from the total of four in 2014.⁹²

87 *The New York County District Attorney’s Office – New York, New York: Lawyer Demographics*, NAT’L ASS’N OF L. PLACEMENT: DIRECTORY OF LEGAL EMPS. (last visited July 25, 2022), [https://www.nalpdirectory.com/employer_profile?FormID=15205&QuestionTabID=44&SearchCond\]SON=\[https://perma.cc/C9T6-K964](https://www.nalpdirectory.com/employer_profile?FormID=15205&QuestionTabID=44&SearchCond]SON=[https://perma.cc/C9T6-K964)].

88 PORTRAIT PROJECT 2017, *supra* note 1, at 22.

89 Shih-Chun Steven Chien & Stephen Daniels, *Who Wants to Be a Prosecutor?*, 65 *How. L.J.* 173, 211-12 (2021).

90 Data provided by the National Asian Pacific American Bar Association as of October 10, 2022. This total includes only U.S. Attorneys who have been nominated by the President and confirmed by the Senate. President Biden has announced his intention to nominate Alamdar S. Hamdani as U.S. Attorney for the Southern District of Texas. But, as of the publication of this report, the Senate has not confirmed Mr. Hamdani.

91 *Tipping the Scales: Challengers Take on the Old Boys Club of Elected Prosecutors*, REFLECTIVE DEMOCRACY CAMPAIGN (Oct. 2019), <https://wholeads.us/research/tipping-the-scales-elected-prosecutors/> [<https://perma.cc/HD6B-FUKT>].

92 PORTRAIT PROJECT 2017, *supra* note 1, at 21.

There are geographic pockets with a few more Asian American prosecutors in leadership roles. For example, among the 175 supervising attorneys in the Manhattan District Attorney's Office in 2022, 11 (6.3%) were Asian American, 19 (10.9%) were Black or African American, and 12 (6.9%) were Hispanic or Latino.⁹³ However, the dearth of Asian Americans in prosecutorial leadership roles nationwide is severe and especially troubling against the backdrop of increasing numbers of reported incidents of anti-Asian hate and violence in recent years.

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

Our previous report noted that there is no systematic data currently available on the demographics of public defenders. However, the U.S. Department of Justice is expected to soon publish a Survey of Publicly Appointed Defense Attorneys that will include demographic statistics. It will be the first federally funded survey of its kind to focus on the publicly appointed defense attorneys themselves rather than the systems and offices in which they work.⁹⁴

93 *The New York County District Attorney's Office – New York, New York: Lawyer Demographics*, NAT'L ASS'N OF L. PLACEMENT: DIRECTORY OF LEGAL EMPS. (last visited July 25, 2022), https://www.nalpdirectory.com/employer_profile?FormID=15205&QuestionTabID=44&SearchCondJSON= [<https://perma.cc/C9T6-K964>].

94 Survey of Public Defenders (SPD) Funding Opportunity, BUREAU OF JUSTICE STATISTICS, DEPARTMENT OF JUSTICE (Mar. 29, 2019), https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/spd_sol.pdf [<https://perma.cc/5WAT-NL7Q>].

MAJOR FINDINGS

Government Attorneys

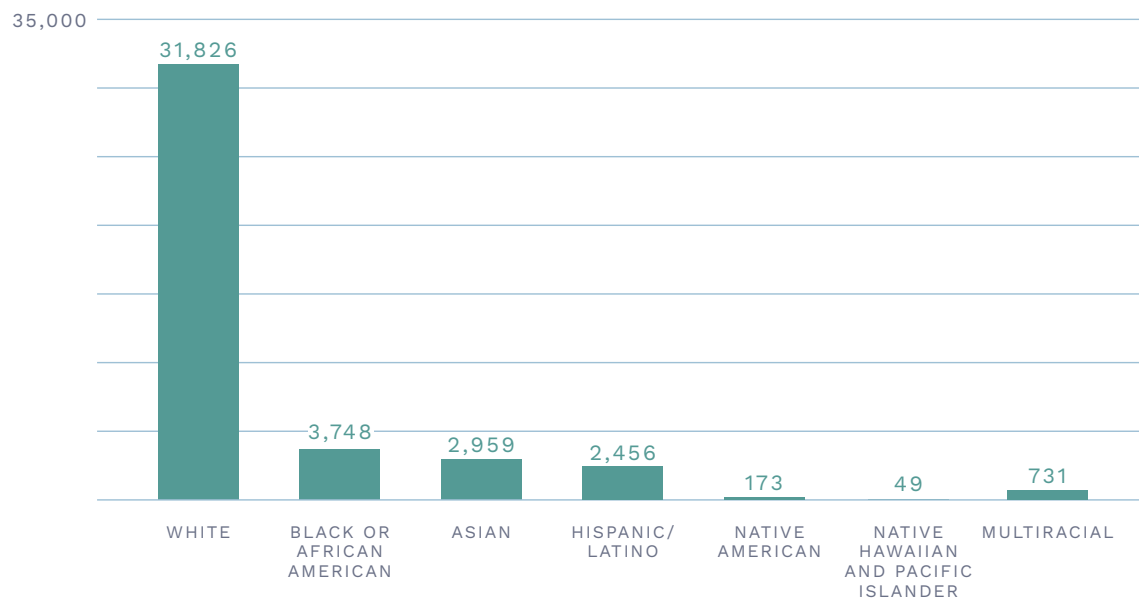
Over the past five years, Asian American attorneys have made little progress in several areas of government employment.

According to data provided by the Office of Personnel Management, Asians comprised 7.0% of government attorneys, up slightly from its 6.7% share in 2015, whereas Black and African Americans comprised 8.9% (compared to 8.3% in 2015) and Hispanic and Latinos comprised 5.8% (compared to 4.8% in 2015).⁹⁵

Figure 17.

Demographics of “General Attorneys” in the U.S. Government, 2021

SOURCE: Office of Personnel Management, Federal Workforce Data, Diversity Cubes Dec. 2021



⁹⁵ *Federal Workforce Data: December 2021*, *supra* note 85; *PORTRAIT PROJECT 2017*, *supra* note 1, at 22.

The percentage of Asian American attorneys at higher ranks of government reflects mixed progress from the last report.

In December 2021, 7.3% of GS-11 Attorneys (described as “entry-level” positions by the Department of Justice)⁹⁶ were Asian, as were 6.7% of GS-15 Attorneys (the highest civil service pay grade).⁹⁷ This reflects mixed progress compared to five years ago, when Asians comprised 9.0% of GS-11 attorneys and 5.6% of GS-15 attorneys.⁹⁸ The effect of this decrease on the pipeline of Asian American attorneys reaching the highest ranks of government service remains to be seen.

96 *Entry-Level (Honors Program) and Experienced Attorneys – Attorney Salaries, Promotions, and Benefits*, DEP’T OF JUST. (Dec. 1, 2020), <https://www.justice.gov/legal-careers/attorney-salaries-promotions-and-benefits> [<https://perma.cc/S8YT-M6PP>].

97 *Federal Workforce Data: December 2021*, *supra* note 85.

98 *Id.*; PORTRAIT PROJECT 2017, *supra* note 1, at 23.

MAJOR FINDINGS

Legal Academia

Lack of updated data on demographics of law faculty is an obstacle to tracking changes over time.

We are not aware of any systematic survey of diversity in legal academia since 2013, when Asians comprised 4.3% of full-time law teachers in the United States.⁹⁹ Among the 6,907 professors in tenured or tenure-track positions in 2013, 310 (4.5%) were Asian, compared to 5,459 (79%) professors who identified as White.¹⁰⁰ Multiple law review articles have documented the experiences of Asian American faculty, identifying the obstacles many have faced during their careers.¹⁰¹ Without increased transparency from law schools about the racial and ethnic makeup of their faculties, we do not know whether the picture has changed over the past decade.¹⁰²

Currently, under the ABA's required disclosures, law schools are only required to note if a faculty member identifies as "minority," without any further disaggregation. In 2021, among the 9,213 full-time faculty members at the 197 ABA-accredited law schools, 2,014 were identified as "minority" faculty members, representing 21.8% of the full-time faculty. This number does not differentiate between tenured and non-tenured professors.¹⁰³

A recent survey of legal research and writing professors suggests significant minority underrepresentation. Out of 320 respondents, only nine (2.8%) identified as Asian, compared with 283 respondents (88.4%) identifying as White.¹⁰⁴ The survey does not claim to be a

99 *ABA Approved Law School Staff and Faculty Members, Gender and Ethnicity: Fall 2013*, AM. BAR ASS'N (last visited Oct. 20, 2022), https://www.americanbar.org/groups/legal_education/resources/statistics/statistics-archives/ [https://perma.cc/DR9X-HFCH].

100 PORTRAIT PROJECT 2017, *supra* note 1, at 26 fig.16.

101 *E.g.*, Cyra Akila Choudhury & Shruti Rana, *Addressing Asian (In) Visibility in the Academy*, 51 SW. L. REV. 287 (2022).

102 One notable study from Professor Meera E. Deo provides both qualitative and quantitative data on how race and gender intersect for legal academics. MEERA E. DEO, *UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA* (2019). However, to our knowledge, there is no publicly available, comprehensive dataset like the ABA's report in 2013 that was detailed in Portrait Project 1.0. See PORTRAIT PROJECT 2017, *supra* note 1, at 26 fig.16.

103 *Section of Legal Education—ABA Required Disclosures*, *supra* note 4.

104 ASS'N OF LEGAL WRITING DIRS., *ALWD/LWU LEGAL WRITING SURVEY, 2020-2021: REPORT OF THE INDIVIDUAL SURVEY 124-25* (2021), <https://www.alwd.org/images/resources/2020-2021-ALWD-and-LWI-Individual-Survey-report-FINAL.pdf> [https://perma.cc/RVY2-GJNS]. This number is inclusive of those who identified as multiracial and chose the specific race/ethnicity when prompted further.

comprehensive analysis of the demographics of all legal research and writing professors; it offers a snapshot of the lack of racial and ethnic diversity within this sample pool. The small number of Asians in legal research and writing teaching positions appears troubling insofar as such positions can serve as a path to tenure-track or research faculty positions. On the other hand, Asian Americans could be opting for other paths to tenure-track or research faculty positions. More data are required to evaluate these possibilities.

MAJOR FINDINGS

Judges

Asian Americans have made significant gains in the federal judiciary over the past five years.

Over the past five years, an additional 25 Asian Americans have been appointed to Article III judgeships, increasing the number of Asian Americans who have ever served as an Article III judge from 37 to 62.¹⁰⁵ Among them, 47 currently serve as active judges—31 as federal district judges, 15 as federal circuit judges, and one as a judge on the U.S. Court of International Trade—comprising 6.0% of the 786 active federal judges currently sitting. By comparison, 563 (71.6%) active federal judges currently sitting are White, 107 (13.6%) are African American, and 81 (10.3%) are Hispanic.¹⁰⁶ In 2022, 3.3% of the almost 1,600 administrative law judges identified as Asian in the Office of Personnel Management database, an increase from 2.5% in 2015.¹⁰⁷

Additionally, although the Trump administration lagged behind the previous three presidential administrations in the total number and percentage of non-White judges appointed to the federal judiciary, 5.8% of President Trump’s judicial appointments were Asian American, compared to 5.3% of President Obama’s judicial appointments.¹⁰⁸ By comparison, 15 of the 81 active judges appointed by President Biden and confirmed by the Senate as of October 20, 2022 identify as Asian American, comprising 18.5%.¹⁰⁹ This number is in line with data generally

105 PORTRAIT PROJECT 2017, *supra* note 1, at 24; Biographical Directory of Article III Federal Judges, 1789-Present, FED. JUD. CTR. (last visited Oct. 20, 2022),

<https://www.fjc.gov/history/judges/search/advanced-search>. These totals include judges who are deceased or not actively sitting.

106 *Biographical Directory of Article III Federal Judges, 1789-Present*, FED. JUD. CTR. (last visited Oct. 20, 2022), <https://www.fjc.gov/history/judges/search/advanced-search>. These numbers reflect the data as of October 20, 2022.

107 *Federal Workforce Data: December 2021*, U.S. OFF. PERS. MGMT. (Dec. 2021), <https://www.fedscope.opm.gov/diversity.asp>; PORTRAIT PROJECT 2017, *supra* note 1, at 24.

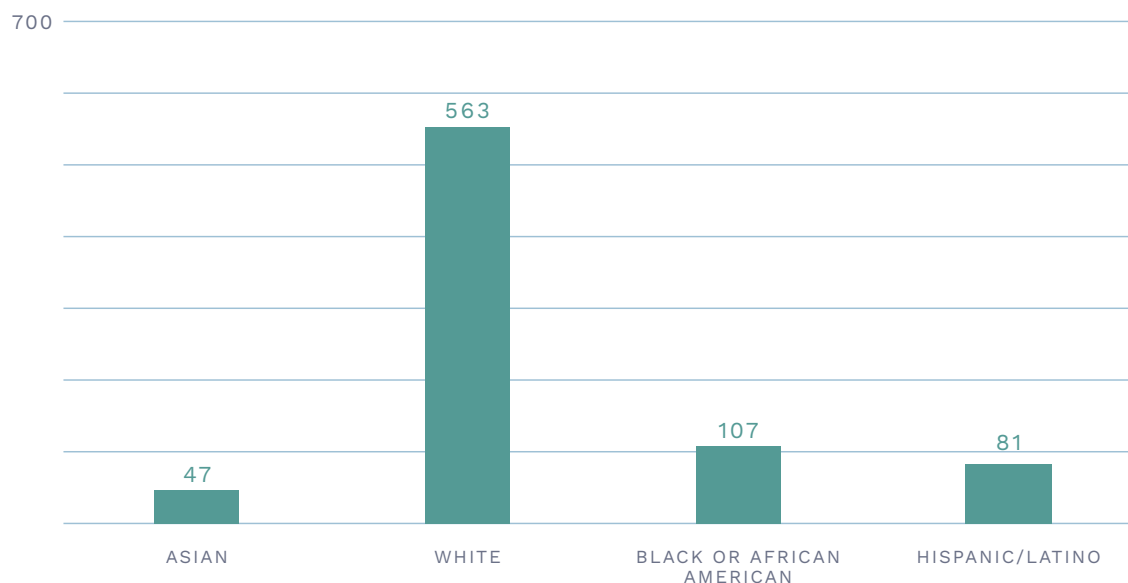
108 John Gramlich, *How Trump Compares with Other Recent Presidents in Appointing Federal Judges*, PEW RSCH. CTR. (Jan. 13, 2021), <https://www.pewresearch.org/fact-tank/2021/01/13/how-trump-compares-with-other-recent-presidents-in-appointing-federal-judges/> [https://perma.cc/U6Z9-CX8G].

109 *Biographical Directory of Article III Federal Judges, 1789-Present*, FED. JUD. CTR. (last visited Oct. 20, 2022), <https://www.fjc.gov/history/judges/search/advanced-search>.

showing that President Biden has appointed a record-high percentage of both non-White and female judges compared to past presidents.¹¹⁰

Figure 18.
Federal Judges, 2022

SOURCE: Federal Judicial Center



The number of state court judges who are Asian American remains small.

Asian Americans have made less progress in state courts. Among the 340 state high court judges in the United States in May 2022, there were nine Asian Americans sitting in seven states,¹¹¹ compared with eight Asian American state high court judges in 2016.¹¹²

In state courts, there were also signs of limited increases in representation of Asians within certain jurisdictions.

110 John Gramlich, *Biden Has Appointed More Federal Judges Than Any President Since JFK at This Point in His Tenure*, PEW RSCH. CTR. (Aug. 9, 2022), <https://www.pewresearch.org/fact-tank/2022/08/09/biden-has-appointed-more-federal-judges-than-any-president-since-jfk-at-this-point-in-his-tenure/> [https://perma.cc/Q5VS-FDA2].

111 Amanda Powers & Alicia Bannon, *State Supreme Court Diversity – May 2022 Update*, BRENNAN CTR. FOR JUS. (May 20, 2022), <https://www.brennancenter.org/our-work/research-reports/state-supreme-court-diversity-may-2022-update#:~:text=Across%20all%20state%20high%20courts,on%20the%20supreme%20court%20bench> [https://perma.cc/P38Q-2LZW].

112 PORTRAIT PROJECT 2017, *supra* note 1, at 24.

For example, in 2021, 8.7% of California’s 1,706 judges identified as Asian only (compared to 6.5% in 2016), 8.4% were Black or African American only (compared to 6.6% in 2016), and 11.7% were Hispanic or Latino only (compared to 9.9% in 2016).¹¹³ Asians made up 17.8% of the population of California in the 2020 Census.¹¹⁴

In 2022, among 882 judges in New York, 39 (4.4%) identified as Asian American, an increase from the 22 who identified as Asian American in 2014.¹¹⁵ Asians made up 10.8% of New York’s population in the 2020 Census.¹¹⁶

113 *Judicial Officer (JO) Demographic Data*, JUDICIAL COUNCIL OF CALIFORNIA (last visited Oct. 20, 2022), <https://www.courts.ca.gov/13418.htm> [<https://perma.cc/BZ8Y-LPMM>]; PORTRAIT PROJECT 2017, *supra* note 1, at 25.

114 *California: 2020 Census*, UNITED STATES CENSUS BUREAU (last visited Oct. 20, 2022), <https://www.census.gov/library/stories/state-by-state/california-population-change-between-census-decade.html> [<https://perma.cc/8XR4-8YLN>].

115 *Self-Reported Statewide Judicial Demographics*, N.Y. STATE UNIFIED CT SYSTEM (last visited Oct. 20, 2022), <https://app.powerbigov.us/view?r=eyJrIjoieE4NWl0YmQtNjdlMS00ZGRjLTkzODktMWRiMjYyM2E4ZTdlIiwidCI6IjM0NTZmZTkYLVNiZDEtNDA2ZC1iINWEzLTUzNjRiZWwYTGzMyj9&pageName=ReportSection3c9979d9de791c912650>; PORTRAIT PROJECT 2017, *supra* note 1, at 25.

116 *New York: 2020 Census*, UNITED STATES CENSUS BUREAU (last visited Oct. 20, 2022), <https://www.census.gov/library/stories/state-by-state/new-york-population-change-between-census-decade.html> [<https://perma.cc/L2RZ-6443>].

MAJOR FINDINGS

Career Satisfaction

Asians report lower levels of satisfaction with their decision to become a lawyer than other groups.

According to *After the JD* data, Asian respondents had the lowest levels of satisfaction with their decision to become a lawyer two years after bar admission. On a five-point scale, with 5 indicating the highest level of satisfaction, Asians reported an average satisfaction level of 3.8, compared to 4.3 for Black respondents, 3.9 for Hispanic respondents, 4.1 for Native Americans, and 4.0 for White respondents.¹¹⁷ At this two-year mark, 74.5% of Asians reported that they were moderately or extremely satisfied with their decision to become a lawyer, compared to 85.5% of Black respondents, 78.4% of Hispanic respondents, 79.0% of Native American respondents, and 78.9% of White respondents.¹¹⁸ Similar percentages were reported seven and 12 years after bar admission, with Asians still the least likely to report moderate or extreme satisfaction.¹¹⁹ 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.¹²⁰

The *After the JD* survey further asked respondents to rate their levels of satisfaction with various aspects of their jobs, which were distilled into four dimensions: the substance of the work, the power track, the job setting, and the social index.¹²¹ Asian lawyers' levels of satisfaction were below average across all dimensions except for the power track, which includes compensation.¹²² They were lowest on the social index, which includes pro bono opportunities and workplace diversity.¹²³

117 WILDER, *supra* note 31, at 44 tbl.23.

118 Data provided by the American Bar Foundation upon request.

119 AJD II, *supra* note 30, at 76; AJD III, *supra* note 30, at 77. Additional data provided by the American Bar Foundation upon request.

120 WILDER, *supra* note 31, at 47 tbl.25.

121 AJD III, *supra* note 30, at 53.

122 The power track dimension includes compensation, method by which compensation is determined, opportunity for advancement, recognition for work, and performance evaluation. *Id.* at 55.

123 *Id.* at 56.

Mobility intentions are not a straightforward indicator of dissatisfaction but can provide additional context. Twelve years after receiving their JDs, Asian lawyers reported relatively low rates of mobility intentions: 22.8% reported a likelihood of leaving their employers within two years, compared to 37.2% of Black respondents, 26.4% of Hispanic respondents, and 22.8% of White respondents.¹²⁴ Among Asian respondents, those in firms with two to 20 lawyers were the least likely to consider a job change (17.4%), while those in firms of unknown size (34.6%) and the non-governmental public sector (28.4%) were the most likely. Among Asian respondents working in firms of over 100 lawyers, 20.5% were considering leaving their employers.

It is notable that Asians report the lowest levels of satisfaction despite also reporting among the lowest levels of educational debt and the lowest likelihood of leaving their employers 12 years into their careers. It is unclear why having relatively greater financial freedom does not result in greater satisfaction early in Asian lawyers' careers. But it is possible that their greater tendency to remain in their jobs contributes to lower levels of satisfaction than other groups. Asian lawyers' career satisfaction merits further study.

Among 2022 Survey respondents, those working in academia, in the federal government, and as judges reported the greatest satisfaction with their current employment. Respondents in big law firms reported less satisfaction.¹²⁵

In our survey, 82% of respondents in academia and 70% of judges said they were “very satisfied” with their current employment—by far the most of any employment category. At least half of the respondents who were lawyers in the federal government, solo practice, small law firms, and public interest organizations said they were very satisfied. Less than 35% of big law firm attorneys, prosecutors, and public defenders said they were very satisfied. Figure 19 reports our findings in more detail.¹²⁶

124 *Id.* at 78 tbl.9.5.

125 The 2022 Survey defines big law firms as those with 100 or more lawyers, medium law firms as those with 16-99 lawyers, and small law firms as those with two to 15 lawyers.

126 Some of these results differ notably from the results of the 2016 Survey, *see* PORTRAIT PROJECT 2017, *supra* note 1, at 27 fig.17. For example, 2022 Survey respondents at small law firms were 23 percentage points more likely than their 2016 Survey counterparts to report being very satisfied. This difference was statistically significant. On the other hand, 2022 Survey respondents working as prosecutors were 23 percentage points less likely than their 2016 Survey counterparts to report being very satisfied. But we did not have enough respondents to conclude that this difference reflected an actual difference in satisfaction rates, as opposed to natural sampling variability. Finally, within the 2022 Survey alone, there was a gap of nine percentage points in satisfaction between state and federal government lawyers; this gap was not statistically significant.

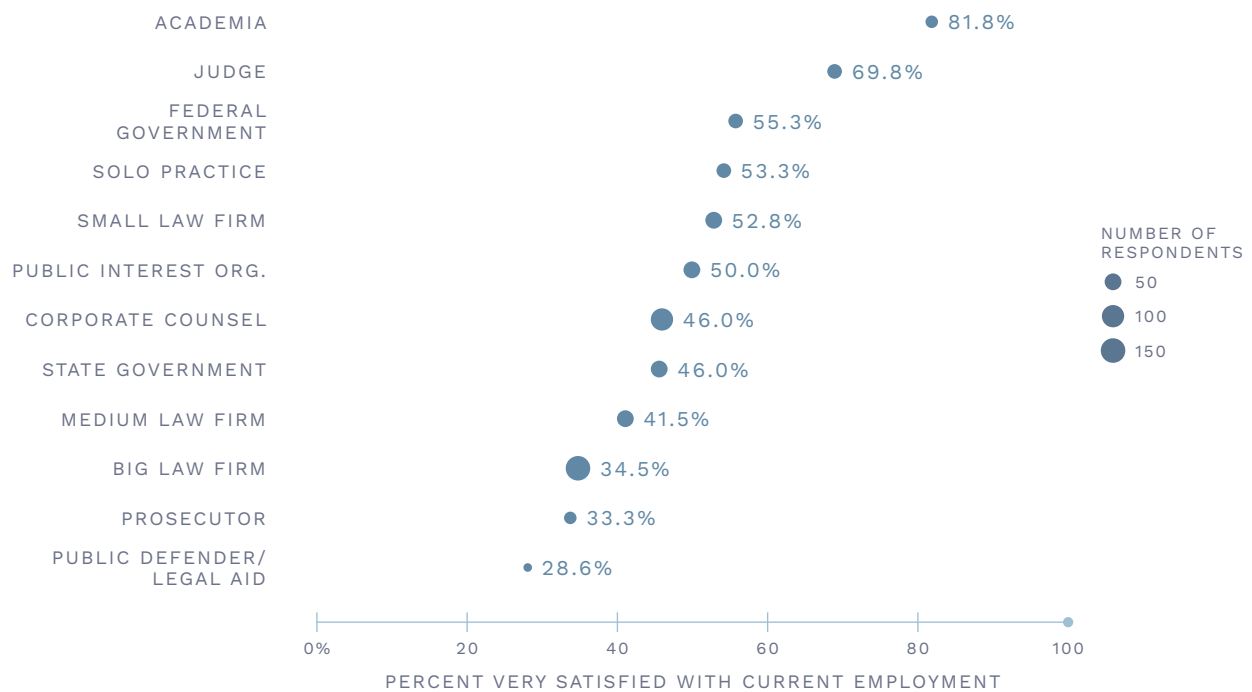
Those who reported having five or more mentors in their legal careers were 15 percentage points more likely to report being very satisfied (52%) than those who reported having no mentors or one mentor (37%).

Figure 19.

Satisfaction with Current Employment by Practice Setting

We asked 2022 Survey respondents how satisfied they were with their current employment. This figure shows the percentage of respondents in each practice setting who answered “very satisfied.”

SOURCE: 2022 Portrait Project Survey



In a shift from five years ago, 2022 Survey respondents who wished to change practice settings ranked a desire “to advance issues or values important to [them]” among their most significant reasons for doing so.

This reason was one of the lowest-ranked among 2016 Survey respondents.¹²⁷ On the other hand, geographic location, which ranked among the most significant reasons five years ago,¹²⁸ was ranked among the least significant this year. The other top reasons—better match with interests, better work-life balance, and better pay—remained unchanged.

It is unclear what is driving the two changes identified above. But they are consistent with national trends over the past five years. The COVID-19 pandemic accelerated a shift toward remote work, giving some lawyers more geographic flexibility even without needing to seek new jobs. And the heightened salience of societal issues directly related to law and justice has spurred some to find work more aligned with their values.

Overall, 40% of 2022 Survey respondents reported that they wished to change practice settings, down from 58% in the 2016 Survey.¹²⁹ About half of the law firm and government attorneys surveyed reported that they wished to change practice settings, compared to 20% to 30% of respondents working as corporate counsel, as judges, in academia, or in public interest organizations.

127 PORTRAIT PROJECT 2017, *supra* note 1, at 28.

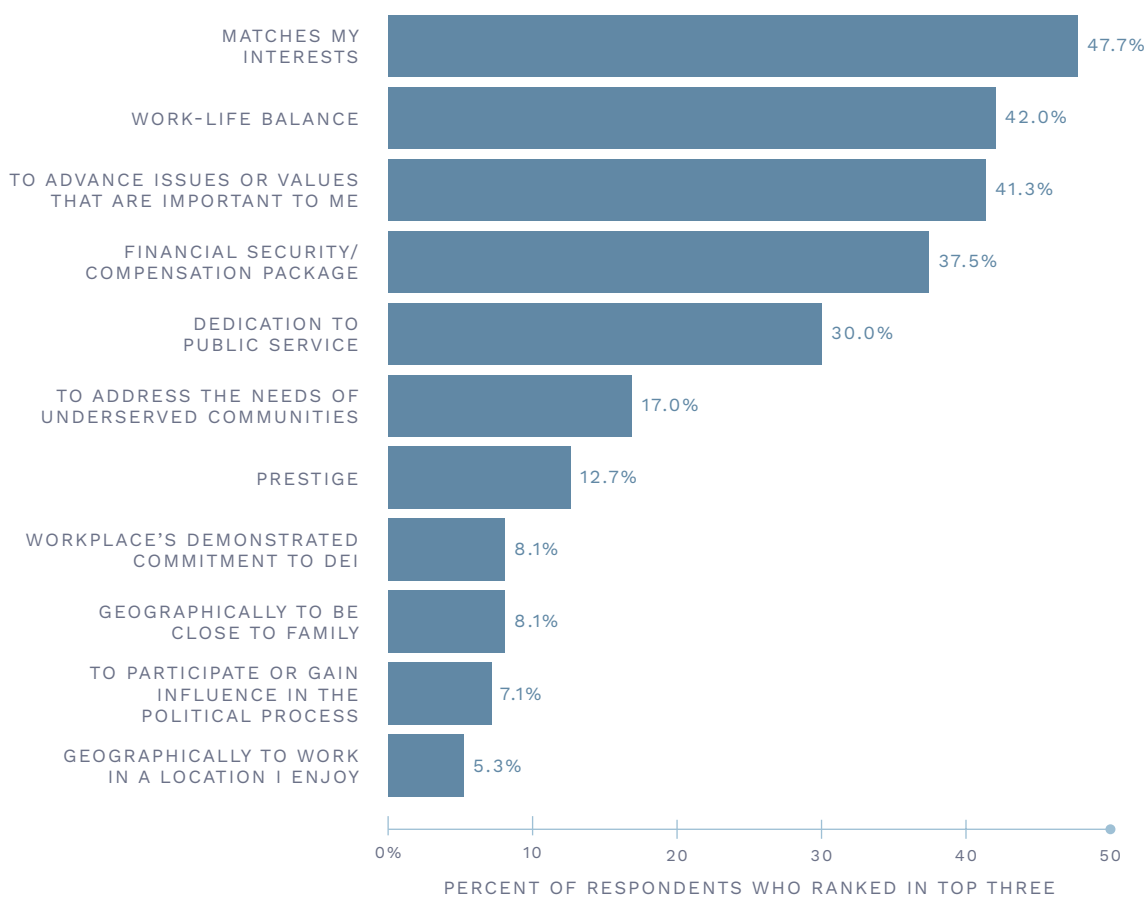
128 *Id.*

129 *Id.*

Figure 20.**Motivations for Changing Practice Settings**

We asked 2022 Survey respondents who indicated that they wished to change practice settings to select and then rank from most to least significant their reasons for wishing so. This figure shows the percentage of respondents who ranked each reason among their three most significant.

SOURCE: 2022 Portrait Project Survey



The practice settings most often identified as desirable among 2022 Survey respondents wishing to change are mostly the same as five years ago.¹³⁰

The practice settings most often identified as desirable were corporate counsel, the federal government, nonprofit and public interest organizations, the federal judiciary, and academia. Each of these settings was listed as a desirable destination by at least 20% of respondents who wished to change practice settings. Corporate counsel was the most frequently desired, at 40%.

A substantial number of respondents (10% to 20%) expressed an interest in state judiciaries, big law firms, and state governments. Less than 10% of respondents expressed a desire to change to prosecution, public defense, solo practice, or small or medium law firms.

Respondents' reasons for wishing to change practice settings varied with their desired settings. Figure 21 shows, for each desired practice setting and reason for changing settings, the percentage of respondents desiring that practice setting who cited the reason among their three most significant.

Figure 21.

Motivations for Changing to Specific Practice Settings

This figure shows, for each practice setting and reason for changing settings, the percentage of respondents desiring that practice setting who cited the reason among their three most significant.

SOURCE: 2022 Portrait Project Survey

	BIG LAW AND CORPORATE COUNSEL	GOVERNMENT AND JUDICIARY	NONPROFIT/ PUBLIC INTEREST ORGANIZATIONS	ACADEMIA
TO ADDRESS THE NEEDS OF UNDERSERVED COMMUNITIES	6%	17%	29%	26%
PRESTIGE	16%	18%	6%	5%
FINANCIAL SECURITY/ COMPENSATION PACKAGE	57%	33%	26%	33%
TO ADVANCE ISSUES OR VALUES THAT ARE IMPORTANT TO ME	28%	52%	58%	53%
DEDICATION TO PUBLIC SERVICE	16%	43%	35%	26%

Education-related debt substantially affected 2022 Survey respondents' early career choices.

Among 2022 Survey respondents, 44% reported that education-related debt substantially affected their career choices immediately after law school. In addition, 28% reported that debt affected their career choices five years after law school, and 13% reported that debt affected their career choices 10 years after law school.

“COVID-19 and all the social unrest made me really think deeply for the first time in my life why I was on this path. ‘What is the point of my life? What am I trying to do?’ I felt like I was just clocking in and clocking out. But none of it was because that’s what I wanted. I realized I made myself believe I wanted these things because that’s what society made me believe I should want or what my parents made me believe I should want. Seeing so many people die from COVID-19, and seeing several of my friends losing their parents to COVID-19, just made me really think, ‘What am I doing?’”

“Working from home has changed how I view being a lawyer. I used to go to work and then come home and try to put work aside. But there’s no physical separation anymore, so I have to shift my mental focus and say, ‘How do I integrate all of myself and everything that I do outside of work into my identity as a lawyer?’ Part of it is coming to NAPABA, participating in the community more as a lawyer, and doing more pro bono work. Working from home makes that easier.”

MAJOR FINDINGS

Obstacles

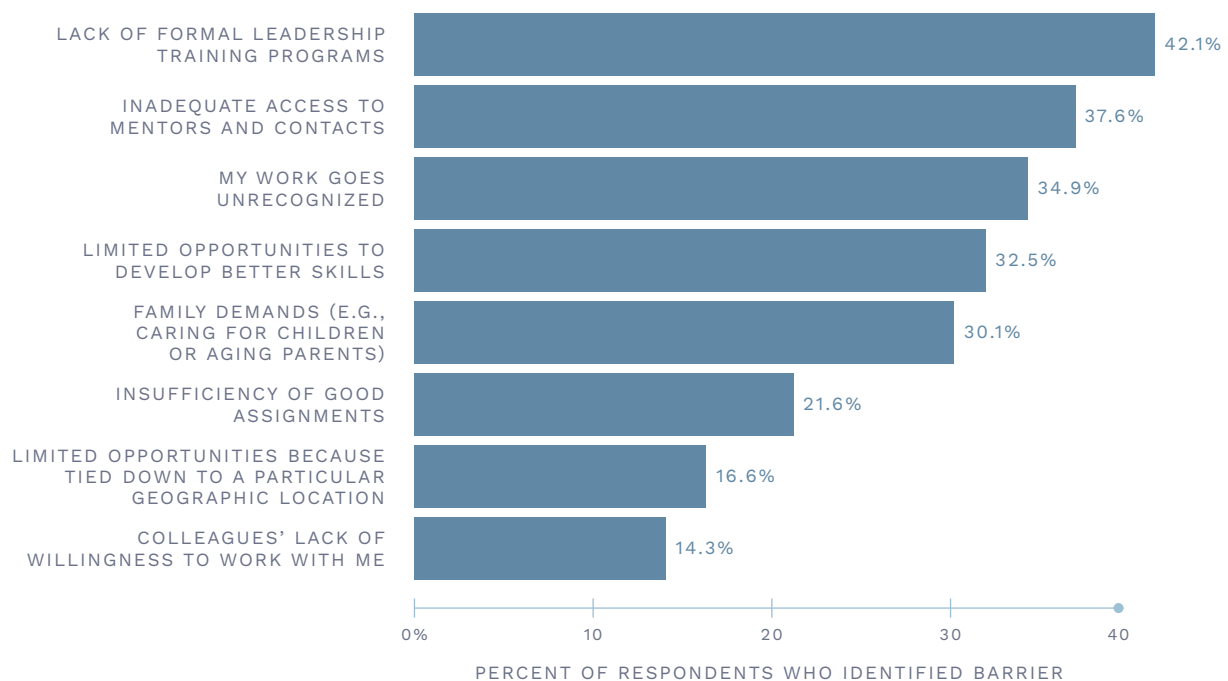
The obstacles to career advancement that 2022 Survey respondents identified most frequently remain the same as five years ago: a lack of formal leadership training programs, inadequate access to mentors and contacts, and a lack of recognition for their work.¹³¹

The most frequently identified obstacles are fairly consistent across practice settings, with the exception of geographic constraints: Whereas 9% of law firm attorneys identified geographic constraints as a barrier to career advancement, 26% of government attorneys did.

Figure 22.
Perceived Barriers to Career Advancement

We presented 2022 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, for each barrier, the percentage of respondents who selected it.

SOURCE: 2022 Portrait Project Survey



131 *Id.* at 30 fig.18.

In our 2022 Survey, 84% of women reported experiencing at least one barrier to career advancement, compared to 78% of men. More generally, the number of barriers reported was fairly evenly distributed between men and women. We find these numbers somewhat surprising in light of other indicators of gender disparities in career advancement, including the data on law firm attrition discussed earlier.¹³² Two of the four respondents who identified as another gender identity reported experiencing at least one barrier.

There was one significant difference in the kinds of barriers men and women tended to face: 35% of women identified family demands as a barrier, compared to 23% of men. The data showed other differences as well, but none to a statistically significant degree. For example, 35% of women identified limited opportunities to develop better skills as a barrier, compared to 28% of men. On the other hand, 40% of men identified inadequate access to mentors and contacts, compared to 36% of women.¹³³

When asked what behaviors they exhibited in the workplace in considering their racial identity and possible discrimination, 2022 Survey respondents most commonly reported that they sought association with other Asian Americans for support.

Among 2022 Survey respondents, 78% reported doing so at least sometimes.¹³⁴ Figure 23 provides more detail: 89% of respondents reported “never” or “rarely” avoiding association with other Asian Americans, 45% reported at least sometimes downplaying traits that may bring attention to their Asian identity, and 61% reported at least sometimes compensating for or trying to emphasize certain traits that others may perceive them to lack because of their Asian identity. Moreover, 61% reported at least sometimes seeking association with other, non-Asian American identity groups for support. This last behavior showed the greatest gender disparity: 66% of women, compared to 54% of men, reported doing so at least sometimes. All of the four respondents who identified as another gender identity also reported doing this at least sometimes.

132 See *supra* notes 64-73 and accompanying text; see, e.g., LIEBENBERG & SCHARF, *supra* note 69, at 7-8.

133 One of the four respondents who identified as another gender identity named family demands as a barrier, while another identified inadequate access to mentors and contacts. Both identified limited opportunities to develop better skills.

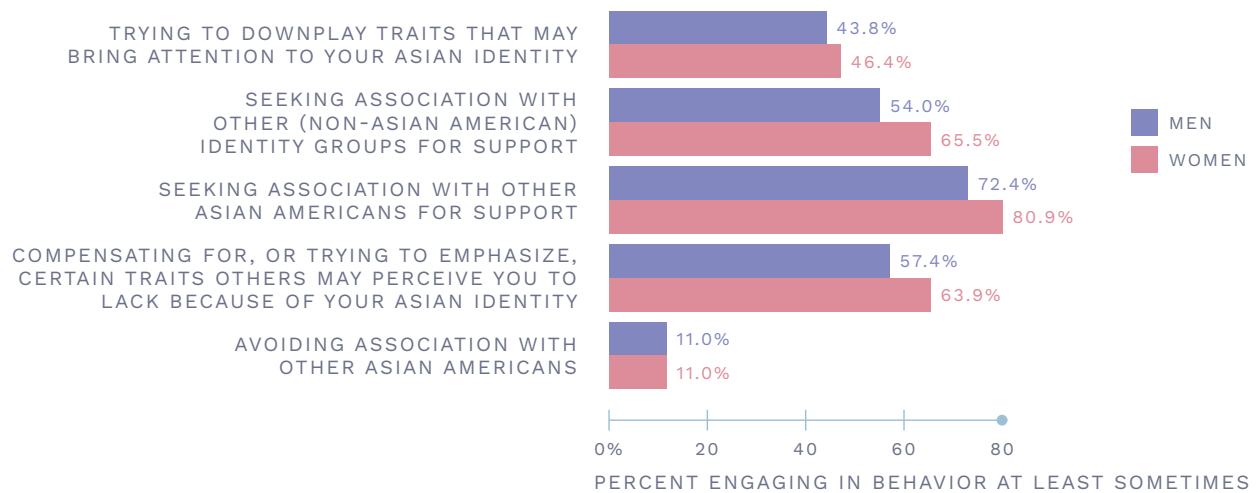
134 This was also the most commonly reported behavior among 2016 Survey respondents. PORTRAIT PROJECT 2017, *supra* note 1, at 30.

Figure 23.

Workplace Behaviors

We asked 2022 Survey respondents, in considering their racial identity and possible discrimination, how often, if at all, they have found themselves behaving in certain ways in the workplace. This figure shows the percentage of men and women who reported engaging in each behavior “sometimes,” “often,” or “very often.”

SOURCE: 2022 Portrait Project Survey



The traits 2022 Survey respondents perceived the legal profession to associate with Asian American lawyers remain virtually unchanged from five years ago.

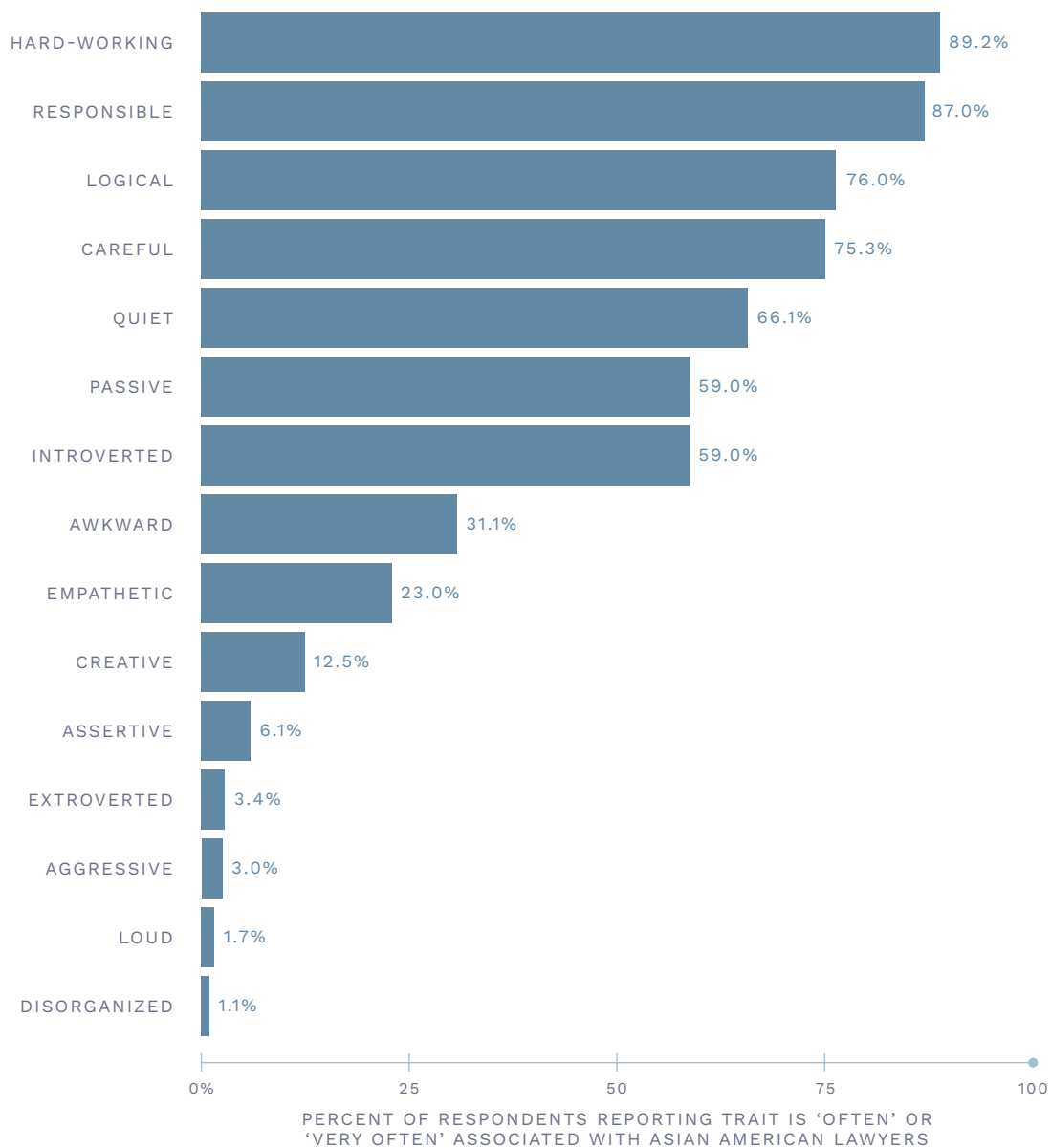
Over half of 2022 Survey respondents said that being “hard-working,” “responsible,” “logical,” “careful,” “quiet,” “passive,” and “introverted” were traits that the legal profession “often” or “very often” associates with Asian Americans. These results largely mirror those from the 2016 Survey.¹³⁵

135 *Id.* at 31 fig.19.

Figure 24.**Traits Associated with Asian American Lawyers**

We asked 2022 Survey respondents which of these traits they have found the legal profession to associate with Asian American lawyers. This figure shows the number of respondents who answered that a certain trait was “often” or “very often” associated with Asian American lawyers.

SOURCE: 2022 Portrait Project Survey



2022 Survey respondents reported perceiving overt and implicit discrimination in the workplace because of their race more often than 2016 Survey respondents did.

Among 2022 Survey respondents, 41% perceived overt discrimination because of their race at least sometimes, compared to 30% of 2016 Survey respondents.¹³⁶ And 64% of 2022 Survey respondents perceived implicit discrimination because of their race at least sometimes, compared to 58% of 2016 Survey respondents.¹³⁷ In written comments, respondents reported instances of perceived discrimination by their supervisors, colleagues, and clients.

The factors driving these changes are unclear. It could reflect changes in colleagues' workplace behavior. It could also reflect changes in respondents' own awareness of discrimination. And it could be that those who perceived discrimination were more likely to respond to the 2022 Survey than the 2016 Survey.

There were no substantial differences in rates of perceived racial discrimination by ethnicity, gender, or immigrant generation.

Just over half (52%) of 2022 Survey respondents said they believed or were certain that they have encountered discrimination as a barrier to career advancement.

Only 7% said that they definitely have not.

“As a judge, as a woman of color on the bench, I get sassed a lot more than my male colleagues do. . . . [Once,] I was saying, ‘Well, counsel, I have this question.’ [A lawyer in the courtroom] said, ‘No, you wait until I’m finished.’ It was like, ‘No. No, I’m sorry. Last time I checked, I was the judge. And so I get to decide who speaks when.’”

“I have been escorted out of a judge’s chambers because I was not viewed as an attorney.”

¹³⁶ *Id.* at 32.

¹³⁷ *Id.*

“I was assigned to [a technology-intensive practice group], which was not what I wanted. When I asked the managing partner, he assumed it was because I had the right background for the practice group. I have an English degree.”

“I was passed over for a promotion that I felt I deserved and worked for. The reason I was given for not being promoted was that the position entailed a lot of interacting with the public and that I ‘didn’t have the right face’ for the position.”

“In an interview for a summer associate position, the interviewer said, ‘We are a very aggressive firm, and we do a lot of litigation. You are obviously an Asian person, and that’s not something that you all do. How would you deal with that?’ And I remember how incapable I was of thinking of anything to say because I was so offended—and I also wanted the job. I didn’t hate the comment enough to walk out.”

MAJOR FINDINGS

Mental Health

The 2022 Survey expanded on the 2016 Survey's inquiry into respondents' mental health. It included new questions about respondents' experiences seeking professional help or treatment for their mental health. And, against the backdrop of efforts to understand the effectiveness of cultural competence in mental health care,¹³⁸ the 2022 Survey asked respondents about the importance to them of culturally competent care and their satisfaction with their providers' cultural competence.

Mental health challenges appear to be prevalent among Asian American lawyers from law school onward.

Among 2022 Survey respondents, 79% reported experiencing at least one of the following mental health conditions in law school: anxiety, insomnia, depression, panic attacks, alcoholism, eating disorder, and non-alcoholic drug abuse. Anxiety was the most reported condition, with 74% of respondents indicating that they had experienced it in law school. Eating, drinking, and substance use disorders were the conditions reported least frequently (around 10% each).

Each mental health condition we asked about was more prevalent after law school. Rates of depression and insomnia changed the most, each increasing by at least 10 percentage points.

More 2022 Survey respondents reported mental health challenges than 2016 Survey respondents did.

The difference was consistent across mental health conditions and severity levels. Among 2022 Survey respondents, 84% reported mild, moderate, or severe experiences of at least one of the listed mental health conditions in their legal careers, compared to 78% of 2016 Survey respondents. For moderate or severe experiences only, those numbers were 53% and 44%, respectively; for severe experiences only, they were 18% and 11%. These differences were

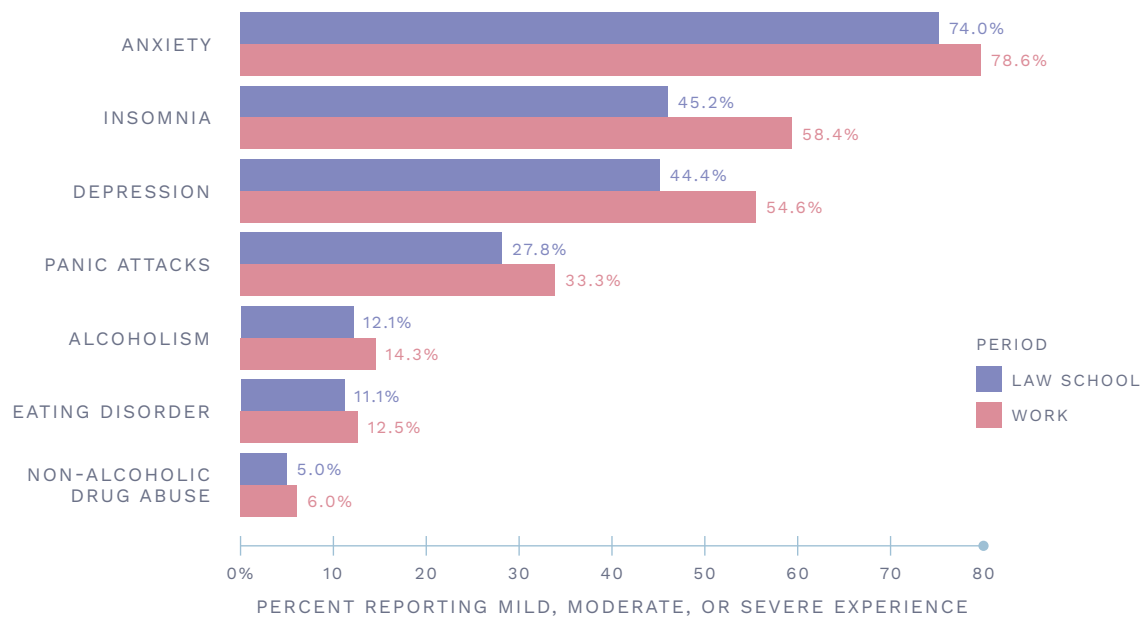
¹³⁸ See, e.g., Kamaldeep Bhui et al., *Cultural Competence in Mental Health Care: A Review of Model Evaluations*, 7 BMC HEALTH SERV. RSCH. 15 (2007).

mostly uniform across mental health conditions except for non-alcoholic drug abuse, which was no more prevalent among 2022 Survey respondents than it was among 2016 Survey respondents.

Figure 25.
Mental Health Challenges

This figure shows the percentage of 2022 Survey respondents who reported experiencing each mental health challenge at mild, moderate, or severe levels during and after law school.

SOURCE: 2022 Portrait Project Survey



More 2022 Survey respondents reported seeking professional treatment or help for their mental health than 2016 Survey respondents did.

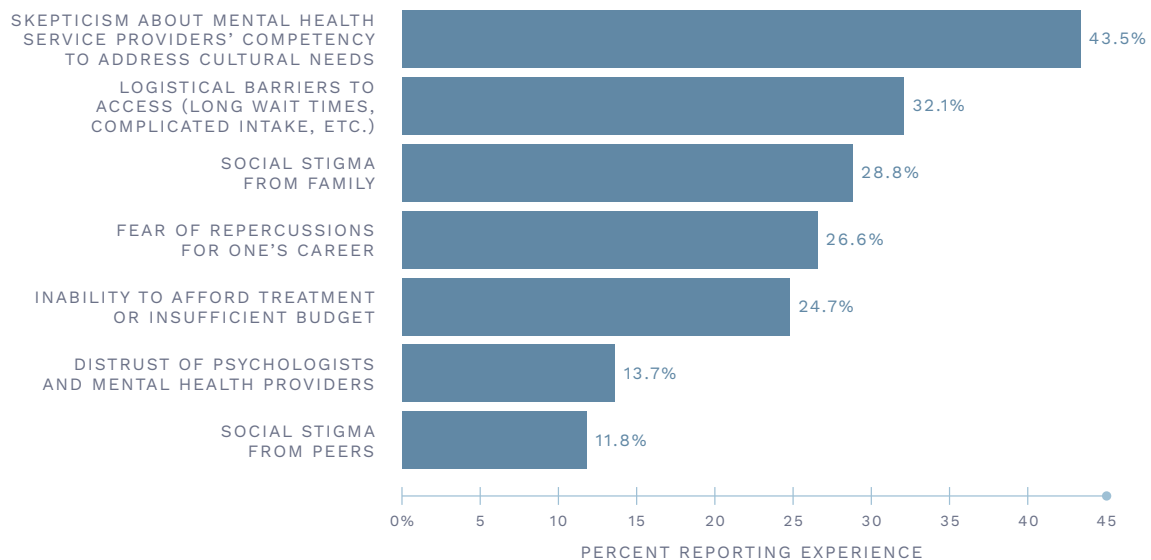
Among 2022 Survey respondents who reported experiencing at least one of the listed mental health conditions in their legal careers, 44% reported seeking professional treatment or help for their mental health; that figure for 2016 Survey respondents was 34%.¹³⁹ Further, 44% of 2022 Survey respondents who sought professional treatment or help reported experiencing skepticism about mental health service providers' competency to address cultural needs in or as a result of doing so. The most common reason survey respondents gave for ever not seeking treatment was logistical barriers to access.

Figure 26.

Experiences While or as a Result of Seeking Mental Health Treatment

We asked 2022 Survey respondents whether they have sought professional help or treatment for any of the challenges listed in Figure 25. For those who have, we then asked whether they have experienced any of these things in or as a result of seeking treatment. This figure shows, among respondents who have sought treatment, the percentage who have had each experience.

SOURCE: 2022 Portrait Project Survey

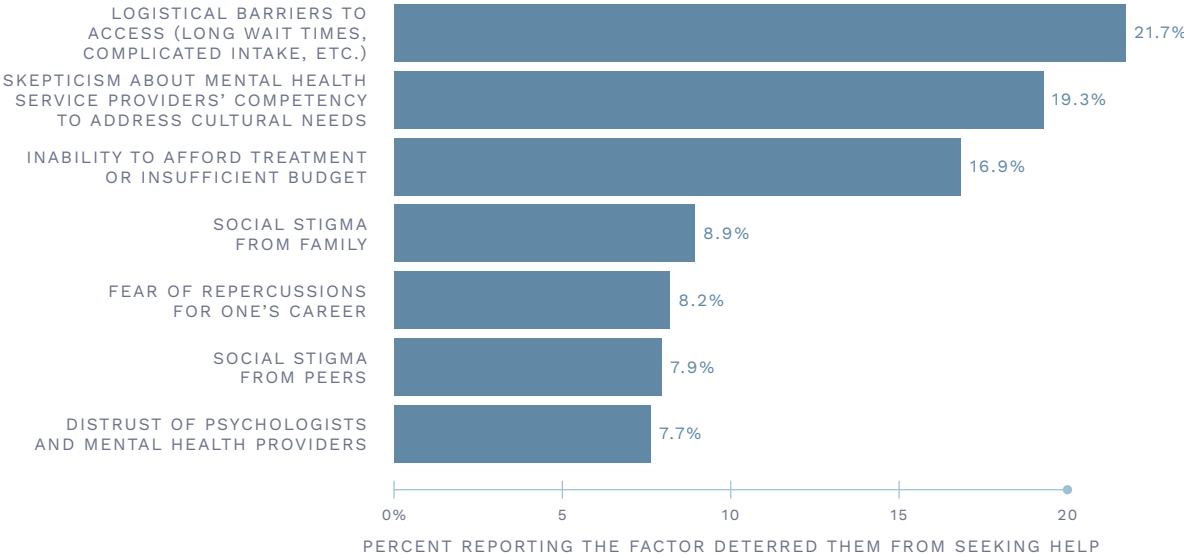


¹³⁹ For a related but not directly comparable analysis of the 2016 Survey data, see PORTRAIT PROJECT 2017, *supra* note 1, at 37.

Figure 27.
Reasons for Not Seeking Mental Health Treatment

We asked 2022 Survey respondents whether any of the listed items were reasons they decided at any point not to seek mental health treatment. This figure shows the percentage of respondents who selected each reason.

SOURCE: 2022 Portrait Project Survey



We asked survey respondents how important it was that their mental health service providers understood their cultural background and needs, as well as how competently their mental health service providers did so. Among those who responded to the first question, 55% said it was “important” or “very important” to them. Among those who responded to the second question, 39% said their providers were “competent” or “very competent.”

Respondents’ mental health experiences correlated with debt level, age, and gender.

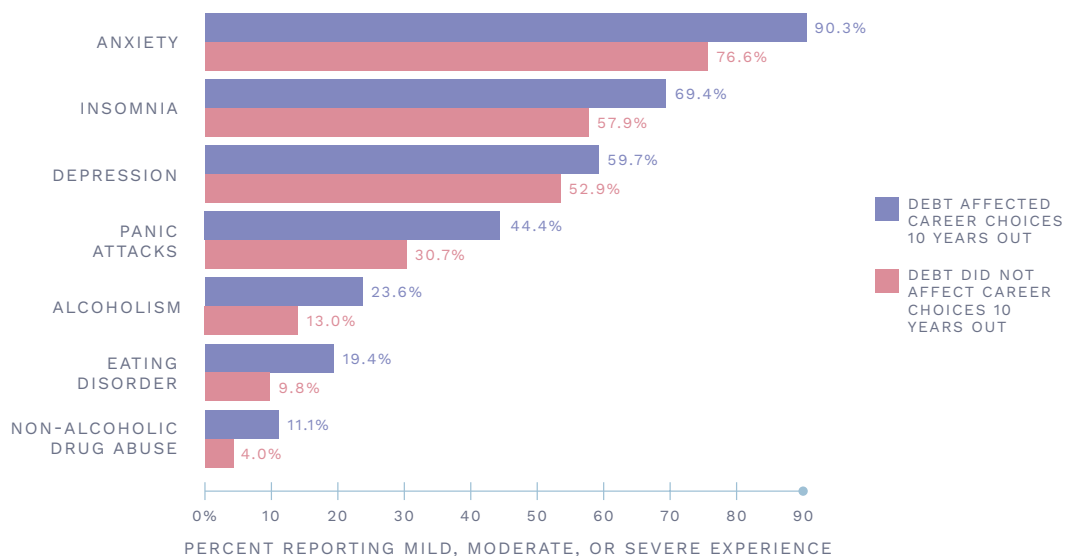
Debt burden correlated with nearly every mental health disorder. For each disorder we asked about, those who reported that education-related debt still substantially affected their career choices 10 years after law school were up to 20 percentage points more likely to report having experienced it in their legal careers than those who reported that education-related debt had never substantially affected their career choices. The disparity in mental health between those who are affected by debt and those who are not widens over time. Figure 28 shows the disparity for each disorder 10 years after law school as an example. We caution, however, that we cannot draw causal conclusions from these trends.

Figure 28.

Mental Health Challenges by Debt Burden

This figure shows, among 2022 Survey respondents who have been out of law school for at least 10 years, the percentage who reported experiencing each mental health challenge at mild, moderate, or severe levels after law school, disaggregated by whether education-related debt substantially affected their career choices 10 years after law school.

SOURCE: 2022 Portrait Project Survey



Age also correlated with mental health. Respondents currently younger than 40 were generally more likely than respondents currently older than 50 to report experiencing mental health disorders. In law school, for example, they were up to 16 percentage points more likely to experience at least mild depression. They were also 11 percentage points more likely to seek treatment and, as Figure 29 shows, up to 17 percentage points more likely to report certain negative experiences, particularly logistical and financial barriers to access, as a result of doing so.

Figure 29.

Mental Health Challenges by Age

This figure shows the percentage of 2022 Survey respondents who reported experiencing each mental health challenge at mild, moderate, or severe levels after law school, disaggregated by age range.

SOURCE: 2022 Portrait Project Survey

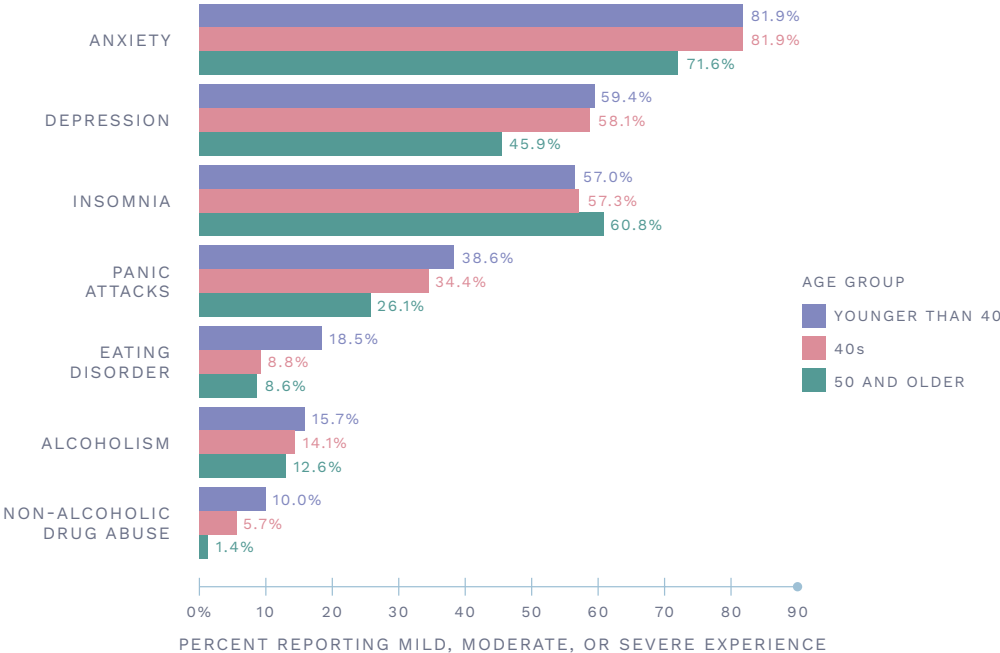
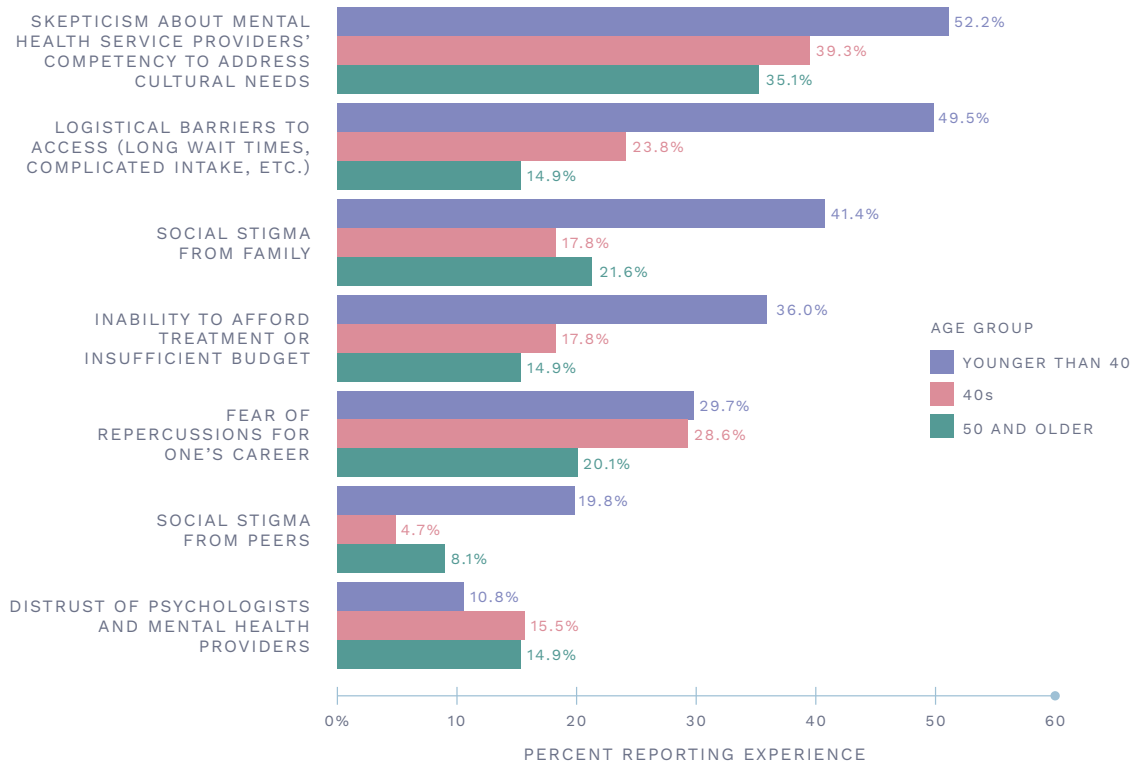


Figure 30.

Experiences While or as a Result of Seeking Mental Health Treatment by Age

This figure shows, among respondents who have sought mental health treatment, the percentage who have had each experience, disaggregated by age range.

SOURCE: 2022 Portrait Project Survey



As Figure 31 shows, women were more likely than men to report at least mild depression and insomnia both during and after law school; 59% of women reported at least mild depression after law school, compared to 48% of men. And 49% of women reported at least mild insomnia during law school, compared to 38% of men. A 2020 survey of lawyers of all races by the California Lawyers Association and the D.C. Bar found that women were more likely to report stress, anxiety, depression, and hazardous drinking.^{140, 141}

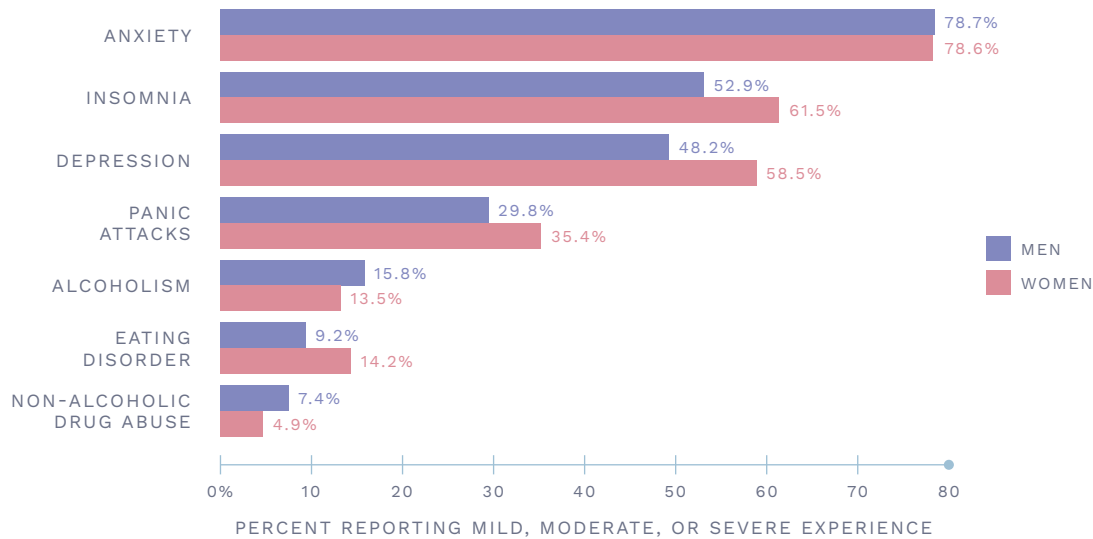
140 Justin Anker & Patrick R. Krill, *Stress, Drink, Leave: An Examination of Gender-Specific Risk Factors for Mental Health Problems and Attrition Among Licensed Attorneys*, PLOS ONE, May 12, 2021, at 6-7, <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0250563>.

141 Among the four people who identified as another gender identity, the number who reported anxiety during and after law school were four and three, respectively; depression four and three; insomnia four and four; panic attacks four and two; eating disorders two and two; non-alcoholic drug abuse one and one; and alcoholism one and zero.

Figure 31.**Mental Health Challenges by Gender**

This figure shows the percentage of 2022 Survey respondents who reported experiencing each mental health challenge at mild, moderate, or severe levels after law school, disaggregated by gender.

SOURCE: 2022 Portrait Project Survey



Respondents' mental health experiences did not correlate with practice setting or social background.

We found no meaningful differences in the prevalence of any condition across practice settings.¹⁴² Nor did we detect meaningful differences based on the educational resources respondents had when applying for college and law school.

142 This contrasts with research suggesting that law firm attorneys are especially vulnerable to mental health and substance use disorders. See, e.g., Jonathan Koltai et al., *The Status-Health Paradox: Organizational Context, Stress Exposure, and Well-Being in the Legal Profession*, 59 J. OF HEALTH & SOC. BEHAV. 20, 27-29 (2018) (finding "higher levels of depressive symptoms" among law firm attorneys compared to attorneys working in the public sector); Patrick Krill et al., *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. OF ADDICTION MED. 46, 49-51 (2016) (finding that attorneys working in law firms "experience some of the highest levels of problematic alcohol use compared with other work environments").

“I have recently seen colleagues burned out from working from home and from everything going on in the pandemic. At least three people that I’m close to have been taking breaks for three months or six months for personal or mental health reasons. The firm has been supportive of that as far as I can see. I think that’s good, but I don’t know what else they could do.”

“Therapy was extremely painful for me. All of a sudden, you realize you have all these blind spots. For me, for example, I had no boundaries between work and personal life. Therapy was tough work, and I hated it. But then I had a period of reflection where I realized I’ve really begun to change my behavior based on these revelations. It’s the best thing I’ve ever done for myself.”

“Growing up in an Asian household, there’s this idea of pride and not sharing too much about your family. I went to a therapist as an adult, but I never told my parents. I think they would be so offended or confused and say things like, ‘Why would you need to pay money to talk to a stranger? We didn’t do anything wrong. You don’t have any issues.’”

“I wish the Asian community were more open to therapy. I tried to find an Asian therapist, and I couldn’t. It’s so hard to find somebody who has that shared experience and would have direct guidance for you. I wish that it were more open and more accepted, and I’m hopeful that it will be.”

MAJOR FINDINGS

Politics, Current Events, and Community Engagement

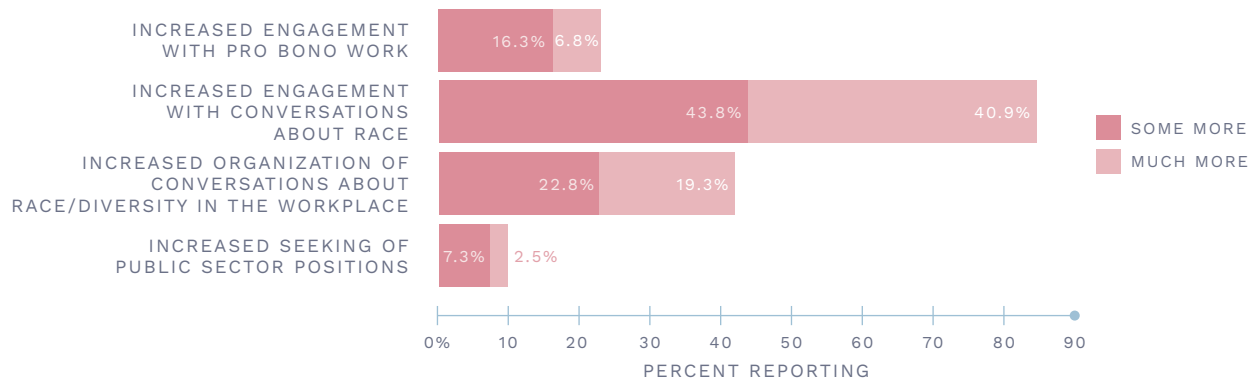
Our 2022 Survey featured new questions that asked respondents to reflect on COVID-19, racism and violence against Asian Americans, and racial justice mobilizations. We were interested in learning how Asian American attorneys have responded to these events in their personal and professional lives.

We asked respondents to identify whether they engaged in certain activities “much less than,” “somewhat less than,” “the same amount as,” “some more than,” or “much more than” before. We note two caveats when interpreting their responses. First, we asked only about actual engagement, not desire to engage. For example, because of COVID-19, certain individuals may have chosen to stay at home. These individuals may therefore have reported less participation in certain activities for personal health reasons, whatever their level of desire to participate. Second, we asked about changes in level of engagement. Individuals who already engaged substantially in an activity before the time frame we asked about could have remained relatively active. Those people would report no change in their level of engagement.

A significant proportion of 2022 Survey respondents (85%) reported engaging in more conversations about racial justice since March 2020, in response to the changing social climate in the country. In addition, 42% have increased their formal organizing of such discussions in their workplace.

Figure 32. Change in Professional Activities from March 2020

SOURCE: 2022 Portrait Project Survey



“I experienced anti-Asian violence well before 2020, as did my mom, who worked in a sweatshop. I think that for South Asians, and East Asians that occupy the lower rungs of America’s socioeconomic hierarchy, the violence has always been there. What’s changed, in addition to the number of incidents, is that middle-class and professional Asian Americans feel threatened now. . . . I think a lot of Asian Americans have recently started developing their political voices and identities, and there have been and will be a lot of growing pains.”

“Throughout my life, I have been subjected to a lot of teasing, ridicule, and outright discrimination because of my race. . . . The same animus that prompted that teasing, ridicule, and discrimination are now manifesting itself as violence, and I feel that my children will be paying that price.”

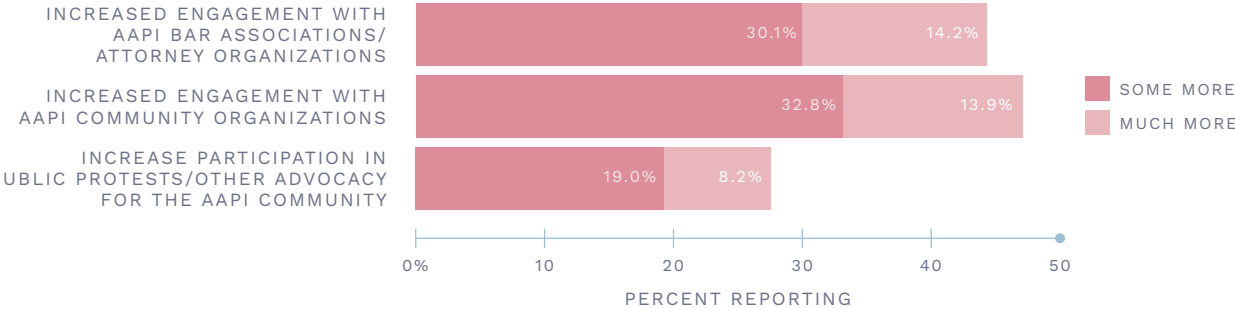
“Recent events have validated the work that I do as a public defender and reinforced my commitment to underserved communities.”

Since March 2020, participation in groups and events centered on the Asian American community has also increased. First-generation immigrants in particular have reported a sizable increase in engagement in public protests and other forms of advocacy by or for Asian Americans.

Among survey respondents, 44% have become more involved in Asian American bar associations or other attorney organizations, and 47% have become more involved with Asian American community organizations. A higher proportion of first-generation immigrants, whom we define as individuals who immigrated to the United States after high school, reported that they increased their participation in public protests and other forms of advocacy by or for Asian Americans (43%) compared to all other generations of immigrants (26%).

Figure 33.
Change in AAPI Activities from March 2020

SOURCE: 2022 Portrait Project Survey



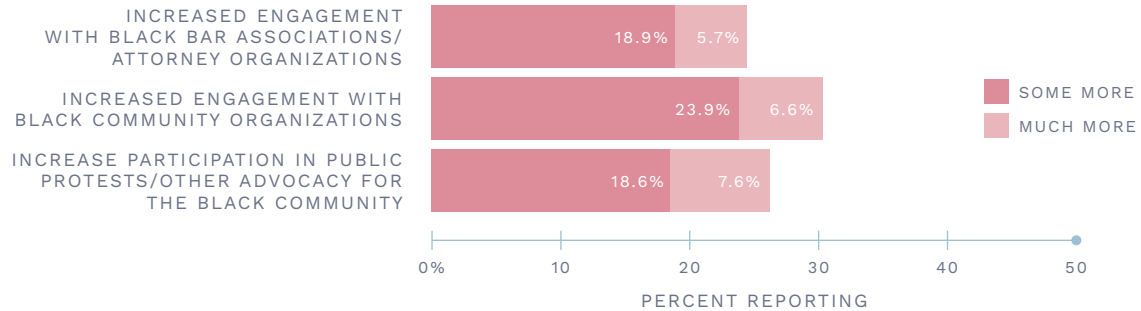
Since March 2020, the number of respondents who have increased engagement in public protests or other forms of advocacy by or for Black Americans mirrors the number who have increased such activity by or for Asian Americans.

Among 2022 Survey respondents, 26% have engaged in more public protests or advocacy in support of the Black community. This number is almost the same as the proportion of respondents—27%—who have engaged in more public protests or advocacy on Asian American issues.

Figure 34.

Change in Advocacy or Support for Black Community Since March 2020

SOURCE: 2022 Portrait Project Survey



“Following the killings of Ahmaud Arbery in Georgia, George Floyd in Minnesota, and Breonna Taylor in Kentucky, I participated actively in a protest organized by AAPIs for Black Lives Matter. Following the massacre of six AAPI women in Georgia, I participated actively in organizing multiple events with GAPABA [Georgia Asian Pacific American Bar Association] and local AAPI community activists, joining and then coordinating protests, webinars, vigils, and commemorative events.”

“I have especially taken any opportunity to highlight the fact that Asian Americans have historically been used as a wedge against Black Americans and other communities of color to perpetuate the myth of meritocracy, signa[ling] to those groups to just ‘keep their heads down and work hard.’”

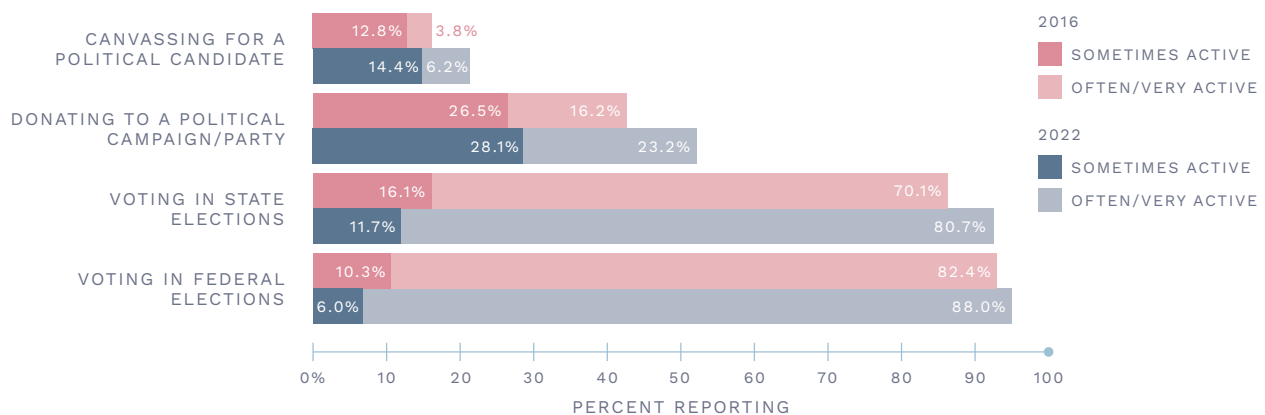
“I’ve been supporting the advocacy of groups serving Black and African immigrants and uplifting their stories and drawing attention to the fact that immigration is also a Black issue.”

Compared to 2016 Survey respondents, a greater proportion of 2022 Survey respondents reported having canvassed for a political candidate (21% versus 17%), donated to political campaigns or political parties (51% versus 43%), or voted in state elections (92% versus 86%).

While the percentage of respondents voting in federal elections has remained stable, a slightly greater proportion of respondents now report being “often” or “very” active in casting ballots in federal elections (88% versus 82%). These data indicate that Asian American attorneys have historically participated at high rates in federal elections.¹⁴³

Figure 35.
Political Activity

SOURCE: 2022 Portrait Project Survey



Across all gender identities, 2022 Survey respondents reported that they have considered running for political office, whether local, state, or federal, more than 2016 Survey respondents.

Among our 2022 Survey respondents, 24% reported considering running for political office, while 12% reported maybe considering running. In light of the fact that only 13% of respondents reported “gaining a pathway to government or politics” as one of their top three reasons for entering law school,¹⁴⁴ the data here suggest that individuals may have shifted their

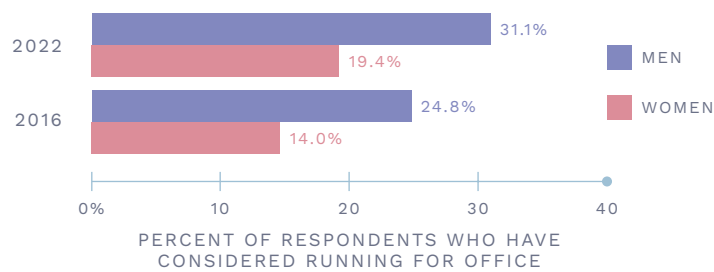
143 National 2020 General Election Early & Absentee Vote Report, TARGET SMART (Oct. 4, 2021, 2:56 PM), https://targetearly.targetsmart.com/g2020/?demo_filters=%5B%7B%22key%22%3A%22raceEdu%22%2C%22value%22%3A%22All%22%7D%5D&view_type=National.

144 See *supra* p. 28.

goals over time. More men than women have thought about running. A greater percentage of both men and women responding to the 2022 Survey reported contemplating running relative to 2016 Survey respondents. In addition, one of the four respondents identifying as another gender identity has thought about running for office.

Figure 36.
Thoughts About Running for Office

SOURCE: 2022 Portrait Project Survey

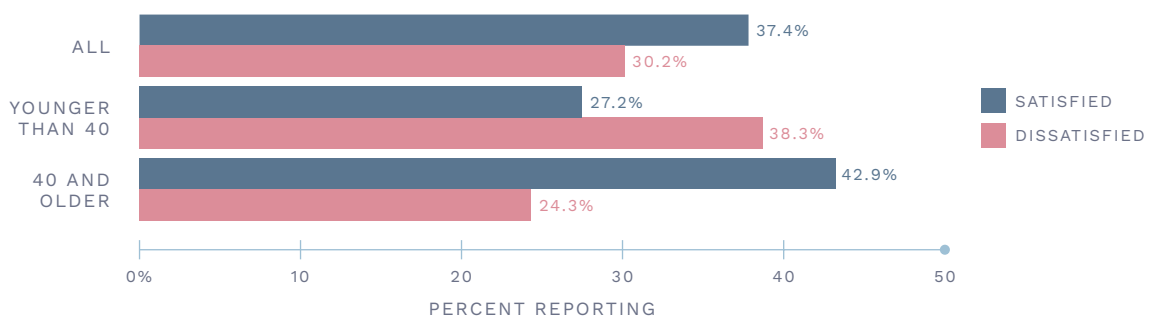


Our 2022 Survey respondents showed a generational divide in satisfaction with the support their employers offer Asian American attorneys in light of recent events. More attorneys aged 40 and older are satisfied than dissatisfied, while more younger attorneys are dissatisfied than satisfied.

More attorneys under 40 reported being dissatisfied (38%) than satisfied (27%). Among attorneys over 40, the ratio is flipped: 24% are dissatisfied, and 43% are satisfied. Further, 7% of men are “very dissatisfied,” compared to 12% of women and one of the four respondents identifying as another gender identity.

Figure 37.
Satisfaction with Workplace Support

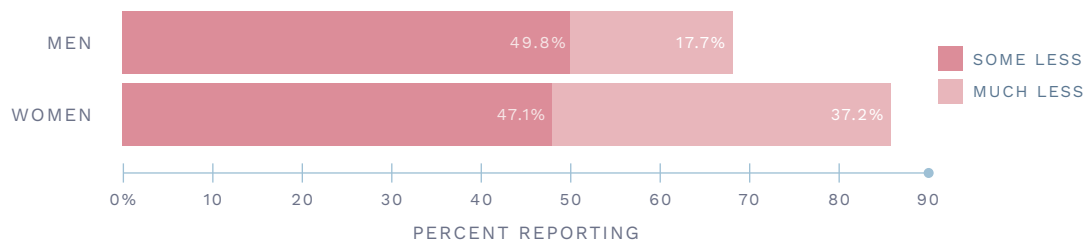
SOURCE: 2022 Portrait Project Survey



Over three-quarters of 2022 Survey respondents reported feeling less physically safe in the past two years than they did before. In particular, 84% of women and all four individuals identifying as another gender identity feel less safe.

Figure 38.
Perceptions of Physical Safety

SOURCE: 2022 Portrait Project Survey



“As someone who . . . grew up in a poor, working-class family in Brooklyn, I am not at all surprised that many of the assailants are young men of color. I myself have been harassed on the subway. I think that when we, as Asian American lawyers and now fairly well-to-do, talk about these issues, we are not always talking about the class dynamics. The poor, the elderly grandparents who are being knocked over are usually living in very poor communities. They are monolingual. They are English deficient. They grow up with stereotypes about men of color. I know that’s how my mother reacted when I first introduced my now-husband, who’s Latino, to her. I think that these issues are really complicated. And when we talk about coalition-building and authenticity, we have to talk about those issues on that level.”

We also asked 2022 Survey respondents about their self-identification as Asian American in comparison to their self-identification with their specific ethnic or national identity. A greater percentage of East Asian respondents (45%) than non-East Asian respondents (30%) reported that they “strongly agree” that their pan-Asian American identity is important.

Non-East Asian respondents reported participating in more associations, community organizations, or work affinity groups that are specific to their ethnic identity (1.1 on average) than East Asian respondents did (0.7 on average).¹⁴⁵

“One of the other ways I’ve tackled my identity is I’ve actually formed an organization with a few others for American Muslims in the legal industry. As part of that, we highlight and showcase the success of people, but also some of the challenges that they’ve faced along the way.”

“I joined professional organizations for community purposes, but have often found too much focus in AAPI organizations on law firms and in-house positions. There are far fewer conversations and opportunities for folks interested in public interest, academia, or other types of legal work. It is one aspect that has turned me away from renewing memberships in some bar associations.”

“I am a Korean adoptee, so I don’t 100% feel like part of the Asian community. . . . So while I have sought out professional organizations that focus on Asians to be part of a community, being an adoptee is like being a minority within a minority. The community organization I volunteer with and am a board member of is specifically focused on Korean adoptees and their families.”

145 We count Chinese, Japanese, Korean, and Taiwanese-identifying attorneys as East Asian attorneys and other respondents as non-East Asian attorneys. In light of the diversity of our respondents, we chose terminology that tracks as accurately as possible the two groups we separate out in this section. For a more complete demographic breakdown of respondents, see *supra* pp. 9-10.

Discussion

We report the findings of this study against the backdrop of five tumultuous years since the original publication of *A Portrait of Asian Americans in the Law*. A global pandemic has amplified harmful stereotypes of Asian Americans as disease vectors and perpetual foreigners, fueling a rise in anti-Asian hate incidents, harassment, and violence. The murder of George Floyd brought new urgency to advocacy for the Black community and a wide range of racial justice initiatives. And anti-immigrant rhetoric and policies have conjured the troubling history of racist and xenophobic attacks directed at many Asian American groups.

Throughout these events, Asian American lawyers have fought discrimination and helped safeguard the rule of law. A global law firm teamed up with the Asian American Bar Association of New York to produce a groundbreaking report on anti-Asian hate and violence, calling for improved reporting mechanisms and increased representation of Asian Americans in law enforcement and the courts.¹⁴⁶ After a mass shooting in Atlanta in which six of eight victims were Asian women, the Georgia Asian Pacific American Bar Association created an AAPI Crime Victims and Education Fund to combat hate crimes and provide support for victims.¹⁴⁷ Several Fortune 1000 general counsel and partners at major law firms created the Alliance for Asian American Justice to provide pro bono legal services to victims of anti-Asian hate.¹⁴⁸ And two federal judges—one Asian American and one Native Hawaiian—were among the first to enjoin an Executive Order that imposed a “travel ban” on individuals originating from certain countries, many with large Muslim populations.¹⁴⁹

The findings in this report reflect a heightened awareness among Asian American lawyers of their role in combating discrimination, promoting public safety, and educating the citizenry. Our 2022 Survey respondents reported experiencing discrimination, overt and implicit, more

146 Asian American Bar Association of New York and Paul, Weiss, *A Rising Tide of Hate and Violence against Asian Americans in New York During COVID-19: Impact, Causes, Solutions* (2021), https://cdn.ymaws.com/www.aabany.org/resource/resmgr/press_releases/2021/A_Rising_Tide_of_Hate_and_Vi.pdf [<https://perma.cc/3X63-SXB3>].

147 Meredith Hobbs, *Asian-American Bar Groups Launch Fundraisers for Spa Shooting Victims, Anti-Hate Efforts*, LAW.COM (Mar. 26, 2021), <https://www.law.com/dailyreportonline/2021/03/26/asian-american-bar-groups-launch-fundraisers-for-spa-shooting-victims-anti-hate-efforts/> [<https://perma.cc/CR5W-BF7P>].

148 *Standing Up Together for Victims of Anti-Asian Hate*, ALL. FOR ASIAN AM. JUST. (last visited Oct. 30, 2022), <https://www.allianceaajustice.org/> [<https://perma.cc/QS6W-YX34>].

149 *State v. Trump*, 265 F. Supp. 3d 1140, 1145 (D. Haw.), *aff'd in part, vacated in part*, 878 F.3d 662 (9th Cir. 2017), *rev'd and remanded*, 138 S. Ct. 2392 (2018); *Int'l Refugee Assistance Project v. Trump*, 241 F. Supp. 3d 539, 543 (D. Md.), *aff'd in part, vacated in part*, 857 F.3d 554 (4th Cir. 2017), *as amended* (May 31, 2017), *as amended* (June 15, 2017), *vacated and remanded sub nom. Trump v. Int'l Refugee Assistance*, 138 S. Ct. 353 (2017).

often than 2016 Survey respondents, and a substantial majority of 2022 Survey respondents, both men and women, said they have felt less safe in the past two years than before. More Asian American attorneys this year than in 2016 identified a desire to change or improve society as a primary motivation for attending law school, and far more attorneys this year than in 2016 identified a desire to advance issues or values important to them as a significant motivation for changing their practice setting.

In addition, an overwhelming majority of 2022 Survey respondents said they have engaged in more conversations about racial justice compared to five years ago, and 40% to 50% have organized such discussions in their workplaces or increased their involvement in Asian American organizations. This year's respondents reported higher levels of political activity (donating, canvassing, and voting) than 2016 Survey respondents. And over a quarter of 2022 Survey respondents have increased their engagement in protests or other advocacy on behalf of the Asian American community—roughly the same number who have increased their engagement in protests or other advocacy in support of the Black community. Altogether, these findings suggest that events over the last five years have invigorated Asian American attorneys' commitment to racial justice, their sense of racial or ethnic identity, and their determination to protect our communities.

This uptick in social and political engagement has occurred at the same time as Asian American enrollment in law school has rebounded in the past four years from a 20 year low and as Asian Americans have made progress in joining the federal judiciary and corporate C-suites. Asian Americans now comprise 6% of active federal judges, almost double the percentage in 2016; this figure includes 15 judges on the federal courts of appeals, comprising 8.4% of federal circuit judges. In addition, there were 45 Asian Americans serving as general counsel of Fortune 1000 companies in 2020, up from 19 in 2009. The presence of Asian Americans in these visible roles contributes to the quality of decision-making on important issues and inspires others to achieve similar success.

At the same time, Asian Americans remain underrepresented in the top ranks of major law firms. In one 2020 survey, Asian Americans comprised 8.6% of all attorneys but only 4.3% of equity partners. Asian Americans at law firms continue to exhibit the highest attrition rate among all groups, and the reasons for this are the subject of ongoing Portrait Project research. Further, the numbers of Asian Americans remain low among law clerks, law professors, and state court judges. And their numbers are disturbingly low among top prosecutors: As of October 2022, only one of the 93 Senate-confirmed U.S. Attorneys is Asian American, and in 2019, there were only eight Asian Americans among the nearly 2,400 elected prosecutors

in cities, counties, and states throughout the country. These figures are especially concerning given the rise in reported incidents of anti-Asian harassment and violence in recent years.¹⁵⁰

The top obstacles to career advancement identified in our 2022 Survey are the same as those identified in our 2016 Survey: lack of formal leadership training programs, inadequate access to mentors and contacts, and lack of recognition for one's work. In addition, our 2022 Survey respondents reported being perceived in the workplace in stereotyped ways—hard-working, responsible, and logical, but not empathetic, creative, or assertive—that portray them as lacking in interpersonal skills and leadership potential. These findings mirror those in our original study, where we reported that “Asian Americans appear to face significant obstacles” in selection processes that “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.”¹⁵¹ We conclude that Asian Americans would benefit greatly from more institutional supports that counteract stereotypes and facilitate relationship-building, development of soft skills, and leadership opportunities.

Finally, 84% of 2022 Survey respondents said they have experienced mental health challenges in their careers, compared to 78% of 2016 Survey respondents. Such challenges are experienced at higher rates among women, younger attorneys, and those with educational debt. Among those who reported experiencing mental health challenges, a higher percentage of 2022 Survey respondents (44%) compared to 2016 Survey respondents (34%) sought professional treatment. Still, less than half of respondents facing mental health challenges sought treatment, and among those who did, 44% expressed skepticism about the competency of providers to address cultural needs. These findings, in the midst of a pandemic that has negatively impacted mental health throughout the population, underscore the continuing need to improve the efficacy and accessibility of wellness resources throughout the legal profession.

150 Goodwin Liu, *Anti-Asian Attacks Might Have Been Taken More Seriously if We Had More Asian American DAs*, L.A. TIMES (Mar. 26, 2021), <https://www.latimes.com/opinion/story/2021-03-26/rob-bonta-attorney-general-asians-prosecutors> [<https://perma.cc/4DK8-SQJP>].

151 PORTRAIT PROJECT 2017, *supra* note 1, at 39.

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