



# Understanding and Assessing the Use of Minority- and Women-Owned Law Firms by Corporate Clients

**A Joint Report by NAMWOLF and IILP  
2022**

**NAMWOLF**

**iilp**  
Real change. Now. Institute for Inclusion  
in the Legal Profession



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NAMWOLF





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**IN MEMORIAM**

Taylor Fields, Esq.  
(1944 - 2021)

Champion of Diversity and Inclusion



## ABOUT THIS PROJECT

Diverse-owned law firms have long been a viable alternative for diverse lawyers seeking a practice setting in which to enjoy a rigorous practice with challenging legal work, greater autonomy, an opportunity to be more entrepreneurial, and more support for involvement in activities grounded in social justice, civic and community service, and professional organizations. But the viability of this alternative is premised upon the ability of diverse-owned law firms to generate the quality and quantity of business necessary to sustain and grow their practices.

With that in mind, the Institute for Inclusion in the Legal Profession (“IILP”) was commissioned by the National Association of Minority and Women Owned Law Firms (“NAMWOLF”) to undertake a study to better understand and assess the use of diverse-owned law firms by corporate clients as a result of information requested by its Task Force on African American Law Firms. IILP and NAMWOLF wanted to determine how much work corporate clients are directing toward diverse-owned law firms. We also wished to determine whether some practice areas were more or less likely to use the services of diverse-owned firms, the criteria corporate clients are most likely to use when choosing whether to send a matter to a large law firm versus a diverse-owned firm or when choosing among diverse-owned firms, and other factors influencing the choice of outside counsel.





# PEARLS FROM NAMWOLF

As this message is penned, we are acutely aware of all the changes in the country that have taken place since this endeavor began. This very important study was born out of a desire to understand whether African American firms were being marginalized or ignored while female or other minority firms were being sought for business opportunities.

Now, as we sit on the precipice of a new normal, it seems even more fitting that this research be reviewed and discussed using the new lens that we all have. We have seen and experienced how divided our country can be along racial and political lines. We have endured human experiences like overwhelming sickness and death, senseless brutality and ensuing marches and riots, loss of jobs and businesses, isolation, and fear. But yet - we are still standing.

Gratefully, many of our NAMWOLF firms are thriving and experiencing surges in growth and business opportunities. Several corporations have answered the call and engaged in new and meaningful ways with NAMWOLF firms. Internally, firms have worked together to support one another, refer business, and strategize to harness some of the anabolic energy resulting from long periods of time to contemplate a better future and how to obtain it.

Nonetheless, the overarching message from this study is that there is much work to be done. In order for African American lawyers and law firms to thrive, we must first acknowledge that they have to endure a searing and pointed racism that is unique to being African American in the legal profession. Once we digest that despicable reality, we ALL have to be willing to roll up our sleeves and have the courageous conversations with the corporations, governmental institutions, colleges, and universities and other business partners who should be considering African American law firms in their legal supplier mix.

For the next steps, we should be committed to measuring all the meaningful actions and engagements that are moving this effort forward. We have to be willing to transparently discuss the discrepancies we see in how African American lawyers and law firms are utilized and call out discrimination and inaction by anyone as enemies of the good.

Lawyers are problem solvers. We are hired to help others solve their problems. That is why there is so much hope that we can make great strides towards solving this undeniable challenge. NAMWOLF is poised and ready to be an important part of the solution for African American firms and all minority- and women-owned law firms.



**JOHN M. MURDOCK**  
Chair Emeritus, NAMWOLF



**LESLIE D. DAVIS**  
CEO, NAMWOLF



# A MESSAGE FROM IILP

Dear Colleagues:

Diverse-owned firms are an important practice setting in today's profession. They afford talented lawyers who bring diversity to our profession an excitingly entrepreneurial alternative setting in which to practice law. This creates a win-win opportunity for both those lawyers and their corporate clients. Yet while the profession's conventional wisdom abounds with anecdotal observations and commentary about the use of and sustainability of diverse-owned firms, little hard data exists to support or disprove those theories. The Institute for Inclusion in the Legal Profession ("IILP") is pleased to rectify that.

The findings from this study are the legal profession's first attempt to answer some pivotal questions about diverse-owned firms, ranging from how much and what kinds of work they are receiving from corporate clients, to how clients determine when they will retain diverse-owned firms as opposed to large law firms, and for which matters, to the factors clients consider when choosing among diverse-owned firms. We hope that having measurable data around issues like these will both provide diverse-owned firms with insights and perspectives to better attract and retain clients as well as elevate the efforts of corporate clients to utilize the talents and services available from diverse-owned firms.

A tremendous amount of work is going on in the legal profession's diversity, equity, and inclusion ("DEI") arena. And there is a heightened need for that work (and more) given that ours remains one of the least diverse professions in the United States and around the world. Information and its application to the real world is one of the most significant tools in advancing DEI. At IILP, we pride ourselves on filling gaps in the profession's DEI knowledge-base, with the hope that it will, in turn, empower the rest of the profession to apply that information in ways that will meaningfully advance DEI efforts. So, we are pleased to partner with the National Association of Minority- and Women-Owned Law Firms ("NAMWOLF") to research the use of diverse-owned firms by corporate clients and fill another gap in the legal profession's DEI knowledge-base.

Our thanks to everyone at NAMWOLF for allowing IILP to undertake this research and share its findings. We hope this report is a significant step forward for the legal profession's DEI efforts.



## **BRUCE R. BYRD**

Chair, Institute for Inclusion in the Legal Profession and Executive Vice President/  
General Counsel, Palo Alto Networks



# EXECUTIVE SUMMARY

While NAMWOLF and diverse-owned firms have done an admirable job of putting the utilization of diverse-owned law firms on the diversity and inclusion radars of corporate clients, biases about diverse-owned firms and the lawyers who work in them persist. For the most part, these biases manifest in the types of matters assigned to diverse-owned firms—both in the area of law (transactional matter or routine litigation) and the client’s role (plaintiff, defendant, or third party)—and perceived legal experience and competencies of the lawyers in the diverse-owned law firms. For example, workers’ compensation is by far the practice area that most respondents are assigning to diverse-owned firms, while appellate, crisis management, and transactional matters are three areas least likely to receive assignments from corporate clients. In addition, most corporate clients are more likely to assign matters to diverse-owned firms if the client is a defendant or third-party defendant in civil litigation.

We confirm that corporate clients are more likely to assign work to women-owned firms than to minority-owned firms and that, among minority-owned firms, Native American and African American firms are the least likely to be assigned work. LGBT+<sup>1</sup> firms and disability-owned firms also fared poorly but that may be due, in part, to less emphasis on the use of these diverse-owned firms and the corporate clients’ lack of familiarity with or awareness of firms that fall into those categories. Moreover, women-owned firms earn significantly more revenue from corporate clients than other types of diverse-owned firms.

Corporate clients’ preferred provider lists are a pivotal point of entry for law firms hoping to receive business from them. While corporate clients are including diverse-owned firms on their preferred provider lists, these firms comprise a small percentage of preferred providers.

Not surprisingly, relationship-building between corporate clients and diverse-owned firms is key to getting diverse-owned firms onto corporate preferred provider lists and then receiving assignments. Professional activities, especially those such as NAMWOLF or Minority Counsel Programs that facilitate opportunities for diverse outside counsel to meet and get to know corporate in-house counsel, remain an important opportunity for diverse-owned firms.

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1. At the time the survey was created, and the data collected, LGBT, LGBT+, LGBTQ, LGBTQ+, and other acronyms were in common usage. We used LGBT+ in the survey and use it in this report for consistency, although now we would (and do) follow the lead of the National LGBTQ+ Bar and use LGBTQ+.



# PREFACE

Several years ago, NAMWOLF was reassessing its mission and considering how it might expand its membership. This was at a time when several established African American law firms had closed, and many African American NAMWOLF member firms were requesting additional focus from the organization. In response, NAMWOLF’s Task Force on African American Law Firms was established to review practices regarding the hiring, retention, and development of African American law firms by corporations and public entities. Many minority firms believed that they were least benefited by the corporate diversity and inclusion policies that had grown out of affirmative action programs arising out of the civil rights movement although originally the intended beneficiaries.

The corporate members of the Task Force requested empirical information to substantiate the advocacy for corporate practices to better support African American NAMWOLF member law firms. As a result, the study, “Understanding and Assessing the Use of Minority- and Women-Owned Law Firms by Corporate Clients” was commissioned by NAMWOLF and supported in part by the North American South Asian Bar Association. The Institute for Inclusion in the Legal Profession, a not-for-profit organization that had expertise in understanding and researching diversity, equity, and inclusion efforts in the legal profession, was retained to conduct the independent research project.

Now, with the empirical information set forth in the following report that demonstrates that African American law firms are retained at levels far lower than those owned by White women and some other minority groups, the Task Force encourages corporations and public agencies to (1) review their policies and practices to identify any barriers to the hiring, retention, and development of African American law firms by their organizations; (2) develop concrete programs, initiatives, and solutions to remove such barriers; and, (3) establish a mechanism to monitor and share the results and successes of such programs, initiatives, and solutions.

*“Always remember, you have within you the strength, patience and passion to change the world.”*  
– Harriet Tubman



**LISA D. LOVE, ESQ., FCIARB**

Chair, Task Force on African American Law Firms





# INTRODUCTION

The American legal profession has been struggling with the issue of being a more diverse and inclusive profession for over a century. A particular challenge has been to increase the number and viability of law firms owned by a majority of lawyers who are minorities, women, openly LGBT, or have disabilities. The reputation of large law firms as having revolving doors of diversity is not unjustified. For many of the diverse lawyers departing large law firms, law firms owned by minorities, women, and other diverse lawyers have proven an attractive alternative practice setting.

The long-term viability of minority- and women-owned law firms is dependent, however, upon their continued use by corporate clients. But there is a broad spectrum of the quantity, complexity, and value of the type of legal work that corporate clients assign to these firms. Through the National Association of Minority and Women Owned Law Firms (“NAMWOLF”), some of these firms have achieved the criteria established by NAMWOLF (regarding experience, reputation, etc.) thereby alleviating many of the concerns that may inhibit corporate clients’ use of minority- and women-owned law firms. NAMWOLF has showcased the talents and abilities of minority- and women-owned firms, familiarized in-house counsel with their work, and helped them to build relationships with corporate clients.

Society is paying greater attention to challenging, and trying to overcome, some of its systemic disparities. At the same time, minority- and women-owned law firms are ever more widely respected and recognized as viable alternative practice settings, and corporate clients are increasingly including these firms in their supplier diversity programs. Therefore, it is appropriate, logical, and timely to:

- Assess and understand what criteria corporate clients apply (or would like to apply) in determining whether and when to use the service of minority- and women-owned law firms.
- Measure how much business corporate clients are assigning to minority- and women-owned law firms.
- Evaluate and compare the amount of work corporate clients assign to the different types of diversity-owned law firms, disaggregating, if possible, by gender, race/ethnicity, and sexual orientation/gender identity.
- Consider the value of membership in the sponsoring organizations to corporate clients.
- Determine what, if anything, minority- and women-owned firms might do to enhance the likelihood of being retained by current or prospective corporate clients in the future.

This information is intended to assist NAMWOLF and its member firms in planning for sustainability, preparing for future challenges, and instituting strategies aimed at the continued viability, growth, and success of its minority- and women-owned law firms.

## Background

For over thirty years, minority- and women-owned law firms have seen their overall numbers grow. While some individual firms have merged, were subsumed into larger firms, or disbanded, many more have come into existence.

The development and growth of “minority- and women-owned law firms” began in the 1980s. Prior to that time, minority- and women-owned law firms handled the legal needs of the individuals and small businesses in the communities in which they were established. The lawyers who practiced in these firms did so because employment opportunities for diverse lawyers in large law firms were rare or non-existent. The “minority- and women-owned law firms” formed in the 1980s and after differed from their predecessors and peers in that many represented large clients in practices which had traditionally been the exclusive areas of expertise of large firm outside counsel. The shift was logical as many of the founders and partners of many of these minority- and women-owned law firms had started their careers practicing in large law firms but had left for any number of reasons.

Given that many of these minority- and women-owned law firms could typically offer among their legal staff some, if not all, lawyers who had the pedigree valued by large law firms, had been trained in large law firms, and brought the diversity beginning to be increasingly valued by corporate America, as well as a size that allowed for greater nimbleness and more flexible fees, is it any wonder that corporate clients were intrigued? Indeed, in at least one case, a group of major corporations came together in 1986 to sponsor the formation of a minority-owned firm.<sup>2</sup>

Since then, the legal profession has seen rapid expansions, unexpected collapses, and affiliations ranging from loose alliances to formal mergers among some of the early minority- and women-owned law firms and with large firms. Minority Counsel Programs flourished for a while. But after a resurgence between 1998 and 2008, the American Bar Association's Minority Counsel Program was retired, while at the same time, a number of short-lived state and metropolitan programs faded away. The only active state programs that remain are the California Minority Counsel Program ("CMCP") and the Texas Minority Counsel Program ("TMCP"). The only metropolitan program is the Greater Cincinnati Minority Counsel Program ("GCMCP").

In 2001, NAMWOLF was established to promote the success of its member firms by effectively vetting them through application of stringent membership criteria intended, among other things, to reassure corporate clients about these firms' genuine minority- or woman-owned status, their stability, and their ability to bring to bear the necessary resources and skill sets to be able to handle the legal work of major corporate clients without sacrificing the quality corporate clients rightfully demand.

Today, minority- and women-owned law firms are an established and respected part of the landscape of law firms available to corporate clients. Efforts such as the "Inclusion Initiative"<sup>3</sup> continue to encourage and support large corporate clients' use of the services of these firms. Despite such efforts, many of the minority- and woman-owned law firms established in the 1980s no longer exist or no longer exist in the same form. Some of the lawyers who started these firms ultimately returned to practice in large firms or shifted their practice area from a primary emphasis upon representation of corporate clients to practice areas more traditionally associated with sole and small firm practitioners.<sup>4</sup>

At the same time, corporate clients are being pursued by diverse partners in large law firms who remind these clients that the number of diverse partners in large law firms is so small that retaining their services would be a different, but no less valid, means of manifesting a commitment to diversity and inclusion in the legal profession.

The profession continues to evolve. The goal of this study was to assess the utilization of minority- and woman-owned law firms and identify and assess trends that NAMWOLF and its member firms can anticipate encountering in the near future.

## Methodology

Members of NAMWOLF's Task Force on African American Law Firms, a group of NAMWOLF board members, and the NAMWOLF Team worked with IILP staff and a group of senior corporate in-house counsel to develop and test the survey tool with the intention of collecting data that would answer the following questions:

- How much business are Fortune 1000 legal departments directing toward minority- and women-owned firms compared to the amount of business Fortune 1000 legal departments are directing to firms that are not minority- or women-owned?
- By what criteria do Fortune 1000 corporate clients assess and evaluate minority- or women-owned firms, or other diverse-owned firms as potential outside counsel?

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2. The formation of the now defunct firm of Rodriguez and Villalobos in Chicago was sponsored by ten major corporations.

3. The Inclusion Initiative is an effort by large corporations to commit to the use of minority- and women-owned law firms. It is administered by NAMWOLF.

4. Some women-owned firms have started their own trade association comprised of woman-owned law firms, some of which do not satisfy all of NAMWOLF'S criteria for membership, Women Owned Law ("WOL").

- Is NAMWOLF using criteria for membership consistent with the criteria potential corporate clients are using to govern membership/participation by minority- or women-owned firms? If not, should it?
- Is there any difference in the amount of business, measured by quantity of matters, matter valuation and matter type, that Fortune 1000 corporate clients assign to minority- and women-owned law firms when the type of diversity – gender, race, ethnicity, sexual orientation/gender identity – is factored into the equation?
- Is there anything that minority- and women-owned law firms can do to enhance the likelihood of their retention as outside counsel by Fortune 1000 corporate clients?

The survey was posted online in June 2019. A variety of methods was used to publicize the project and to invite corporate general counsel to have their companies participate. These methods included:

- Social media platforms such as LinkedIn, Twitter, and Facebook;
- An email with subsequent reminders sent to NAMWOLF’s Corporate Advisory Council members;
- Distribution by a national listserv to corporate general counsel;
- A postcard reminder to NAMWOLF Annual Conference attendees;
- Individual outreach by some members of the boards of IILP and NAMWOLF; and
- Email blasts by IILP and NAMWOLF.

Respondents were guaranteed anonymity regarding their individual responses. They were also provided with definitions for the terminology used in the survey.<sup>5</sup>

The survey was closed to respondents on June 22, 2020.

In the aftermath of the murder of George Floyd and the attention that many corporations were paying to social justice issues and Black Lives Matter, including statements of support and financial contributions, NAMWOLF and IILP deemed it necessary to conduct a follow-up survey of respondents to inquire as to whether changes were being made in their corporate diversity and inclusion policies that would, in turn, impact their retention and use of diverse outside counsel generally, and diverse-owned firms specifically. We asked the corporate participants in our study two additional questions:

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5. For purposes of this research, we provided the following definitions:

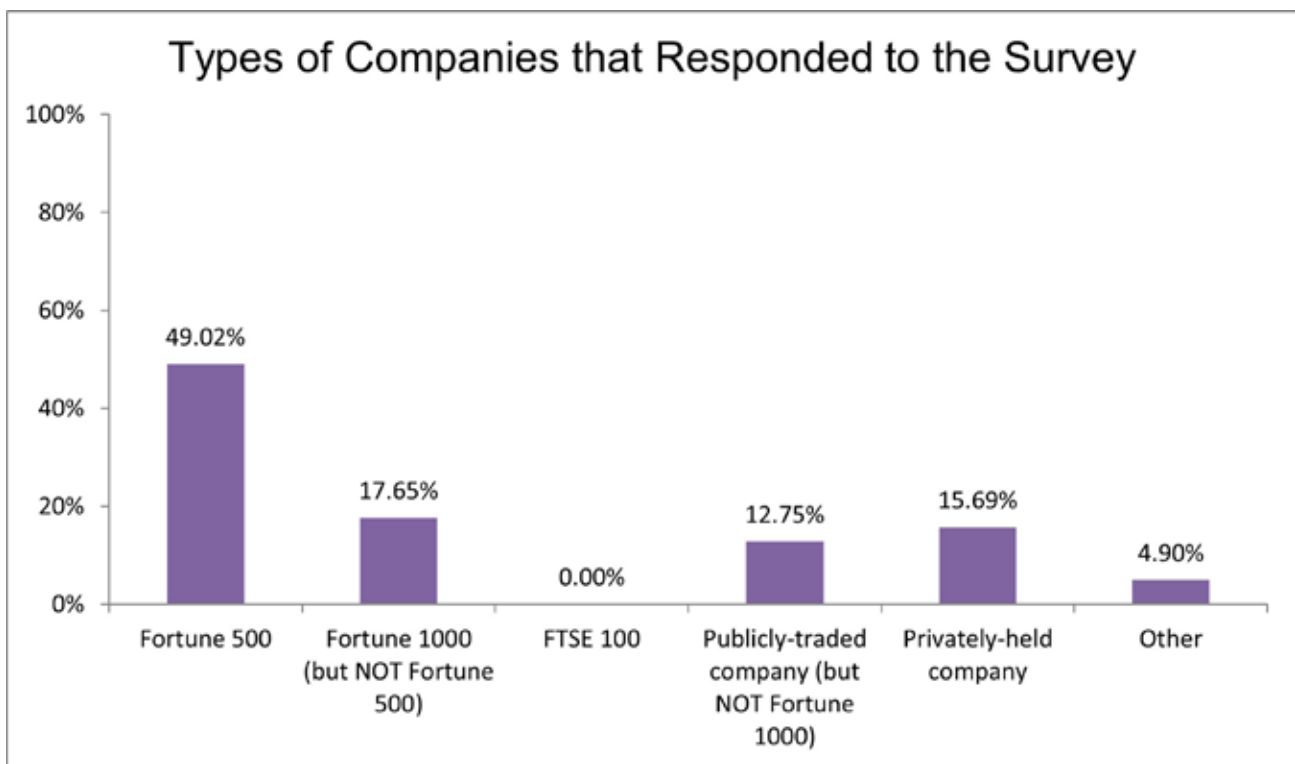
- “Diverse counsel” refers to lawyers who are women, racial/ethnic minorities, openly LGBT+, have disclosed a disability recognized by the Americans with Disabilities Act (“ADA”), and/or belong to/practice a non-Judeo-Christian religion.
- “Outside counsel” refers to lawyers who are solo practitioners or work for a law firm of any size.
- “Primarily responsible” means any attorney you consider most responsible for developing and executing your strategy and managing the legal team. In litigation, the primarily responsible lawyer may often be referred to as the “First Chair” lawyer. In transactional matters, the primarily responsible attorney may often be referred to as “the Lead Deal Lawyer”.
- “Significant matters” refers to those legal matters you consider most important to your company or its business.
- “Racial/ethnic minorities” refers to those who are:
  - African, African American, Black, or Caribbean;
  - American Indian, Native American, Indigenous Peoples, or First Nations;
  - Asian, Asian American, Asian Pacific, or Asian Pacific American (including Pacific Islander, South Asian, or South Asian American);
  - Hispanic, Latino/a/x, or Latin American; or
  - Any combination of the above.
- “African American” includes those who are African, Black, or Caribbean.
- “Native American” includes those who are American Indian, Indigenous Peoples, or First Nations.
- “Asian American” includes those who are Asian, Asian Pacific, Asian Pacific American, Pacific Islander, South Asian, or South Asian American.
- “Hispanic” includes those who are Latino/a/x or Chicano or Latin American.
- “White” includes those who are Caucasian, European, or European American.
- “LGBT+” refers to lesbian, gay, bisexual, or transgender people, or anyone whose sexual orientation or gender identity does not conform to heterosexism, heteronormativeness, cisgender.
- “Non-Judeo-Christian religions” include, but are not limited to, Buddhism, Confucianism, Hinduism, Islam, and Shinto.

1. Did they issue any statement or adopt any new diversity, equity, and inclusion (“DEI”) policies in the aftermath of George Floyd’s murder?
2. Are they changing their approach to their supplier diversity as it pertains to law firms as a result?

Every respondent who indicated a willingness to be contacted after the initial survey was sent a follow-up survey between August 4-7, 2020 and asked to respond by September 15, 2020.

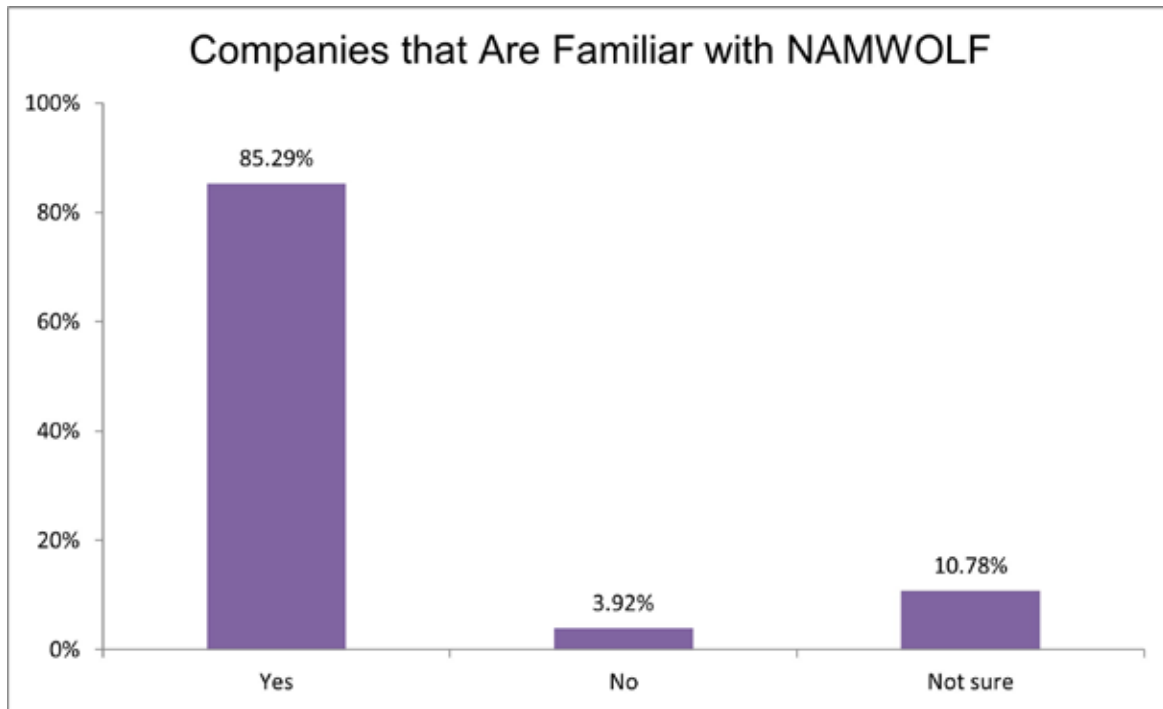
## Demographics of Respondents

The number of respondents participating in the survey totaled 102. Among the respondents, 49.02% (50 of 102) self-identified as Fortune 500 companies. Another 17.65% (18 of 102) identified themselves as Fortune 1000 companies that were not in the Fortune 500. The next largest group of respondents, 15.69% (16 of 102), identified themselves as privately-held companies, and another 12.75% (13 of 102) identified themselves as publicly-traded companies that are not in the Fortune 1000. None of the respondents were part of the FTSE 100, and 4.90% (5 of 102) identified themselves as “Other” without providing any specificity.

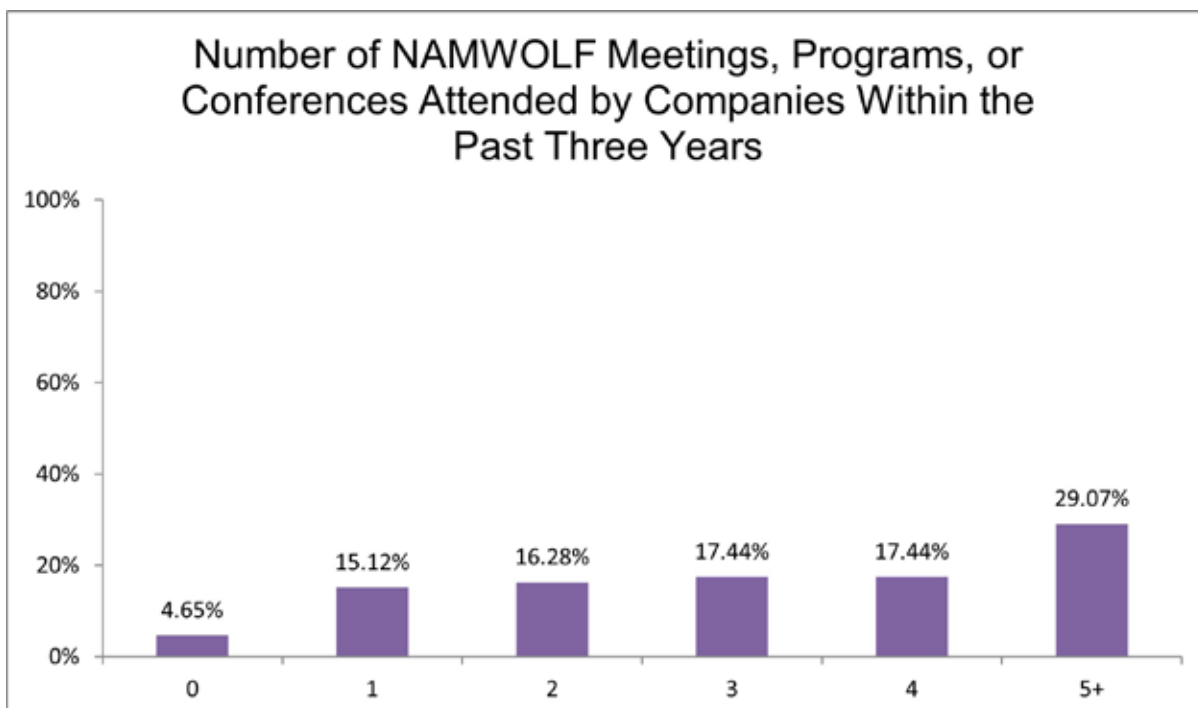


# OUR FINDINGS

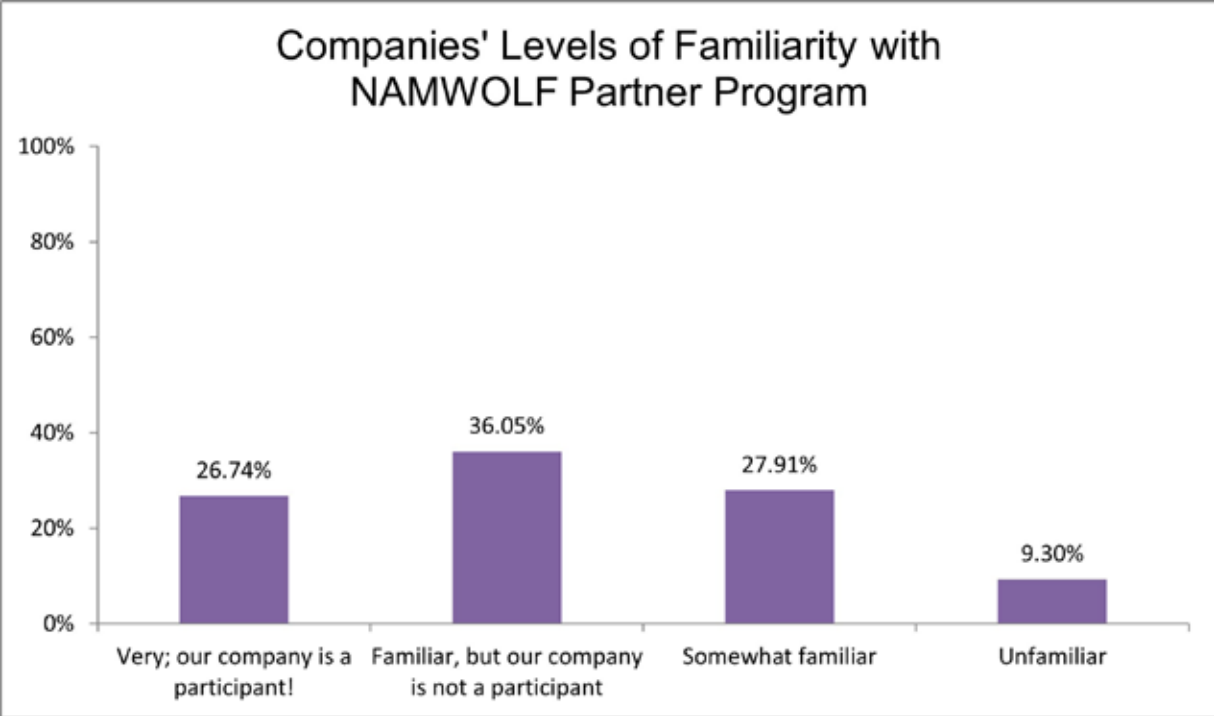
The vast majority of respondents were familiar with NAMWOLF. 85.29% of respondents (87 of 102) were familiar with NAMWOLF. 3.92% (4 of 102) were not familiar, and 10.78% (11 of 102) were not sure.



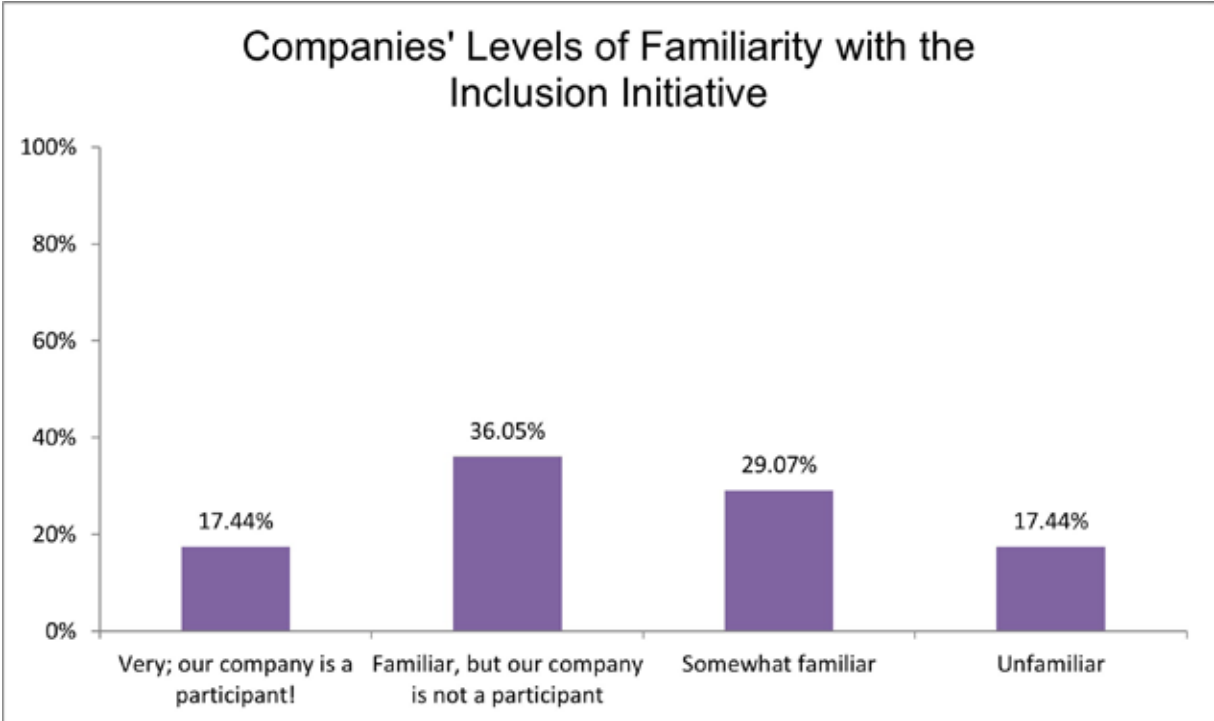
When asked how many NAMWOLF meetings, programs, or conferences they have attended in the past three years, 29.07% of respondents (25 of 86) had attended five or more NAMWOLF events, 17.44% (15 of 86) had attended four events, 17.44% (15 of 86) had attended three events, 16.28% (14 of 86) had attended two events, 15.12% (13 of 86) had attended one event, and 4.65% (4 of 86) had attended zero events.



36.05% of respondents (31 of 86) said their company was familiar with the NAMWOLF Partner Program<sup>6</sup> but not a participant. 27.91% (24 of 86) said their company was somewhat familiar with the NAMWOLF Partner Program, 26.74% (23 of 86) said their company was very familiar with it and has participated in the NAMWOLF Partner Program, and 9.3% (8 of 86) said their company was unfamiliar with the program.



36.05% of respondents (31 of 86) said their company was familiar with the Inclusion Initiative<sup>7</sup> but not a participant. 29.07% (25 of 86) said their company was somewhat familiar with the Inclusion Initiative, 17.44% (15 of 86) said their company was very familiar and has participated in the Inclusion Initiative, and 17.44% (15 of 86) said their company was unfamiliar with the Inclusion Initiative.



6. Major public and private entities join the NAMWOLF Partner Program by pledging to set a goal of at least 5% of legal spend with certified minority- and women-owned law firms. <https://namwolf.org/in-house-counsel/partner-program/>.

7. The Inclusion Initiative is a collaborative effort of 31 forward-looking companies committed to an immediate and measurable increase in the retention of minority- and women-owned law firms by Corporate America. <https://namwolf.org/in-house-counsel/inclusion-initiative/>.

Corporate clients become involved with NAMWOLF because they have an interest in meeting diverse-owned law firms and developing relationships with an eye toward retaining the firms. NAMWOLF members become involved in NAMWOLF for similar reasons. Given these mutual goals, NAMWOLF was curious to determine what, if any, additional information about the diverse firms might be most beneficial to the corporate clients to bring about that desired outcome. Prior successful outcomes for other corporate clients were among the priorities cited most often by respondents followed by information about the firm, experience of the firm, and expertise of the firm's associates who would be working on the client's matters.

Some of the responses received to this question are set forth below:

*"Information about legal success stories by NAMWOLF firms. I could make a better case to my superiors for using NAMWOLF firms if I had examples about summary judgments or trials they'd won, etc."*

*"Experience of the associates who would be handling our matters."*

*"Number and diversity of the associates. We worked with one minority-owned firm and later discovered that while the name partners were minorities, that diversity didn't extend to the associates."*

*"I would like to hear more about successful results they've secured for other clients."*

*"Information about successful outcomes in matters similar to ours."*

*"Much more information about OUTCOMES! I don't want to know what you think you can do but what you've actually DONE!"*

*"Specific types of expertise. Too many market themselves as jacks of all trades."*

*"More information about the training and education of the associate lawyer who will actually be working on my matters. Too often the name partners are great but the associates not so much."*

*"Team members; specialty, expertise and capability; past successes; geographic coverage; rates."*

*"Previous experience handling similar matters including OUTCOMES and RESULTS."*

*"More about the attys beyond just the name partners."*

*"Experience handling similar matters and working within our industry."*

*"The training an[d] experience of the associates who will actually be handling our files. Too often there's lots of emphasis*

***"I could make a better case to my superiors for using NAMWOLF firms if I had examples about summary judgments or trials they'd won, etc."***

*on the name partners' background but they aren't doing the day to day work."*

*"More information about the associates who will be working on my matters. What kind of training and experience have they had?"*

*"More info about the training and experience of the associates who get assigned to our matters."*

*"Details on the types of experience the partners AND associates have."*

*"The degree to which the name partners are going to be involved in handling our matters."*

*"Too often the marketing materials from NAMWOLF firms are too broad in terms of what they claim their areas of expertise are. More detail would be helpful and more realistic."*

*"Experience of the lawyers who would be working on our matters."*

*"Expertise, location, experience with similar companies."*

*"As with any firm... Expertise with practice area, courts and/or opposing counsel. Resources for information. Rates, professionalism, and communication."*

*"Subject matter expertise; location; experience with opposing counsel; experience with the court; track record; fees are top of mind."*

*"Pro-bono, especially relating to issues concerning marginalized groups."*

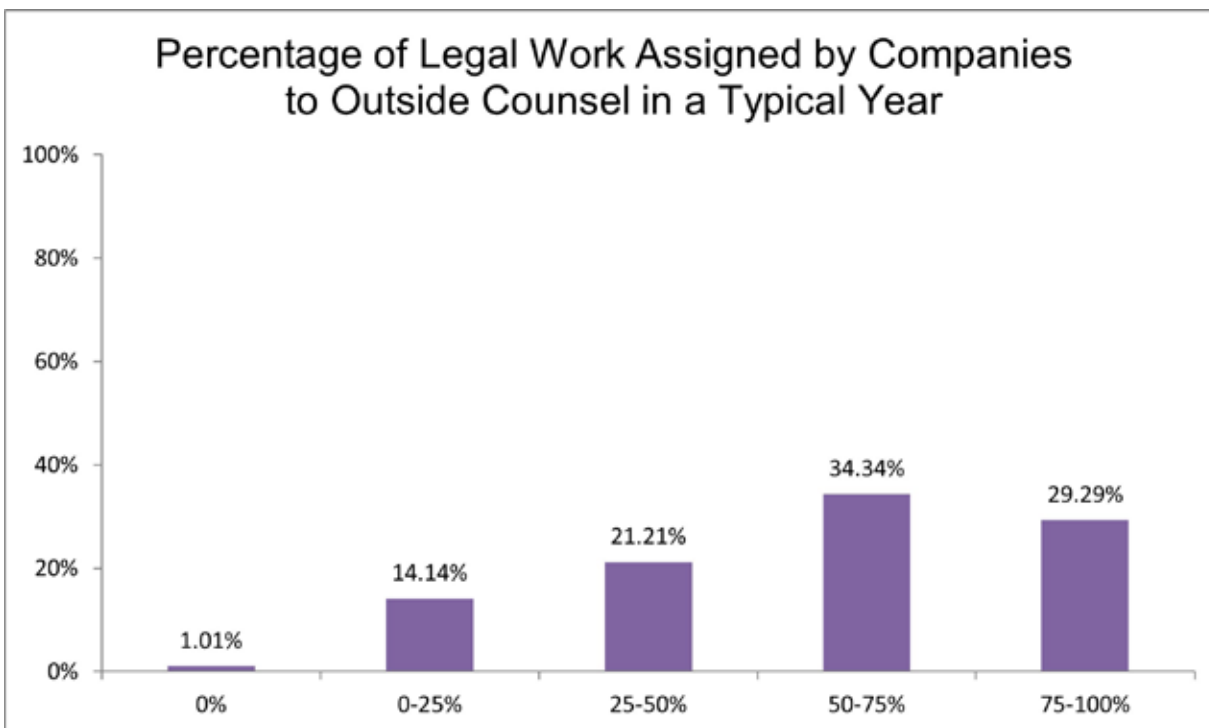
*"Experience and depth of knowledge of a particular attorney; depth of bench; diversity of team; succession planning; rates; other companies the attorney(s) represent in the same practice area; in litigation, experience in practice area and industry/court/judge/opposing counsel; conflicts of interest (does the firm do plaintiff's work or class action plaintiff's work against other insurance carriers?)"*

What information would be helpful to you when considering a diverse-owned law firm?

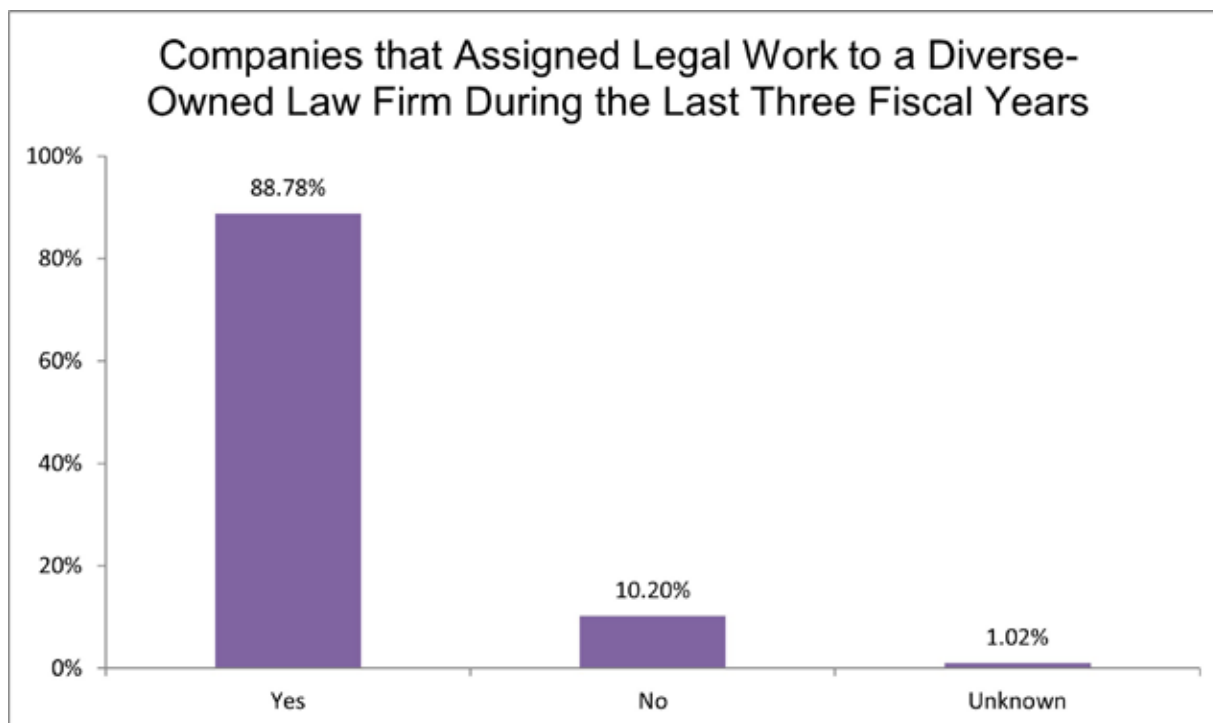
practice area Expertise location handling NAMWOLF firms area specialties  
information often expertise OUTCOMES matters diversity  
experience lawyers working team associates court  
firm training experience name partners opposing counsel rates cases



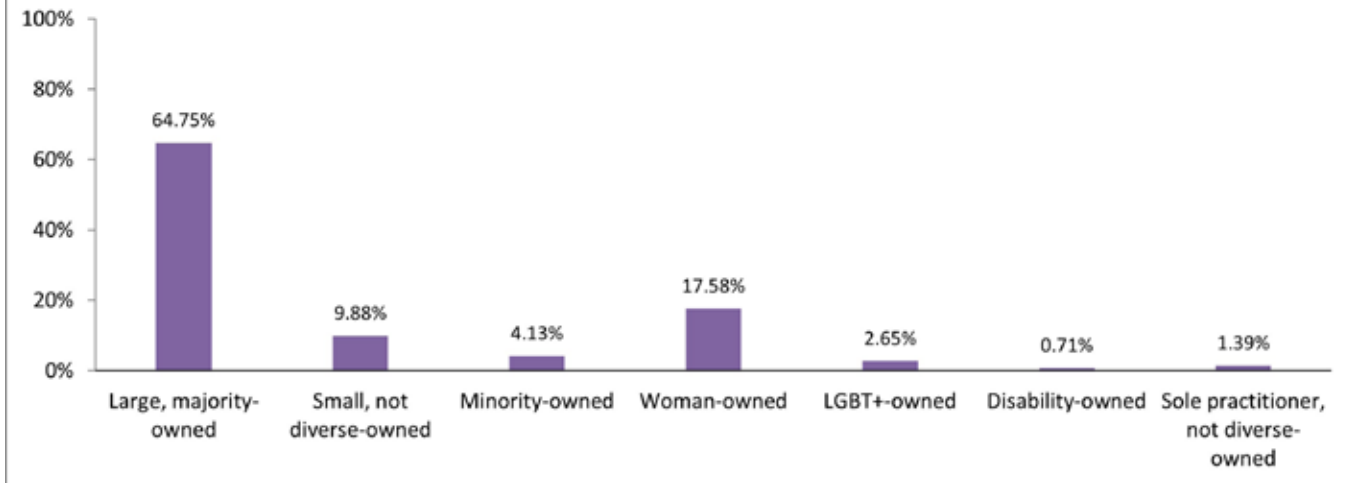
The respondents assign a significant percentage of their legal work to outside counsel. 34.34% of respondents (34 of 99) reported that their companies assign 50% to 75% of their legal work to outside counsel. The next largest group of respondents, 29.29% (29 of 99), reported outsourcing 75% to 100% of their legal work, while 21.21% (21 of 99) reported outsourcing between 25% and 50% of legal work, 14.14% (14 of 99) report outsourcing 25% or less, and 1.01% (1 of 99) reported no outsourcing at all.



A resounding majority of the respondents, 88.78% (87 of 98), had assigned outside legal work to a diverse-owned firm during the last three fiscal years. Only 10.20% of the companies (10 of 98) had not. 1.02% (1 of 98) did not know whether or not it had assigned outside legal work to a diverse-owned firm during the last three fiscal years.



### Average Percentage of Legal Work Assigned by Companies to Outside Counsel During Last Full Fiscal Year By Types of Law Firms

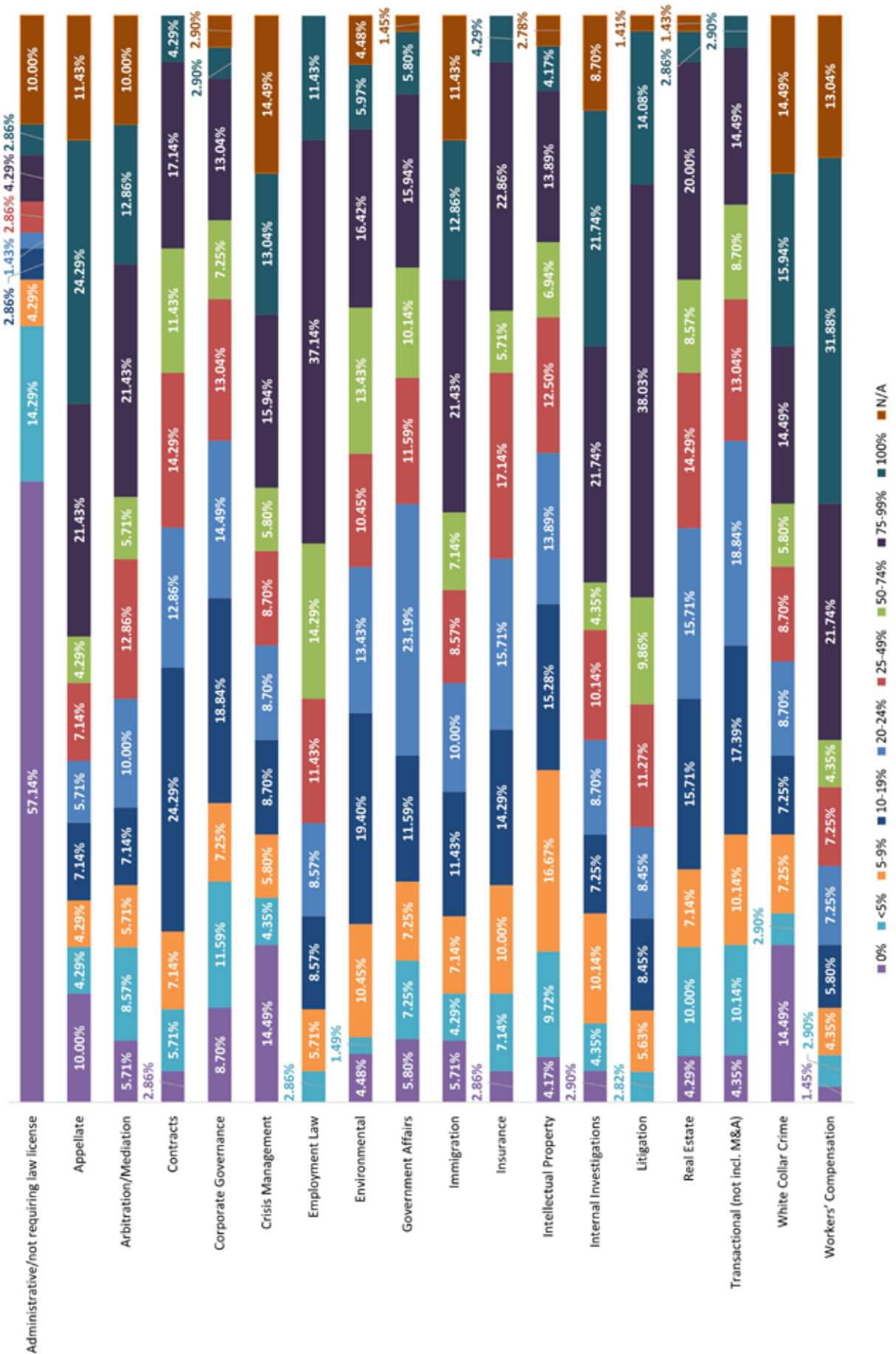


Respondents were asked what percentage of legal work they outsourced in the last full fiscal year. On average, respondents reported assigning 65% of outsourced legal work to large, majority-owned firms, 18% to woman-owned law firms, 10% to small, not diverse-owned law firms, 4% to minority-owned law firms, 3% to LGBT+-owned law firms, and 1% to disability-owned law firms and non-diverse sole practitioners, respectively.

The types of legal work by practice area that the respondents are assigning to outside counsel suggests that diverse firms that do not practice those types of law will be at a disadvantage.

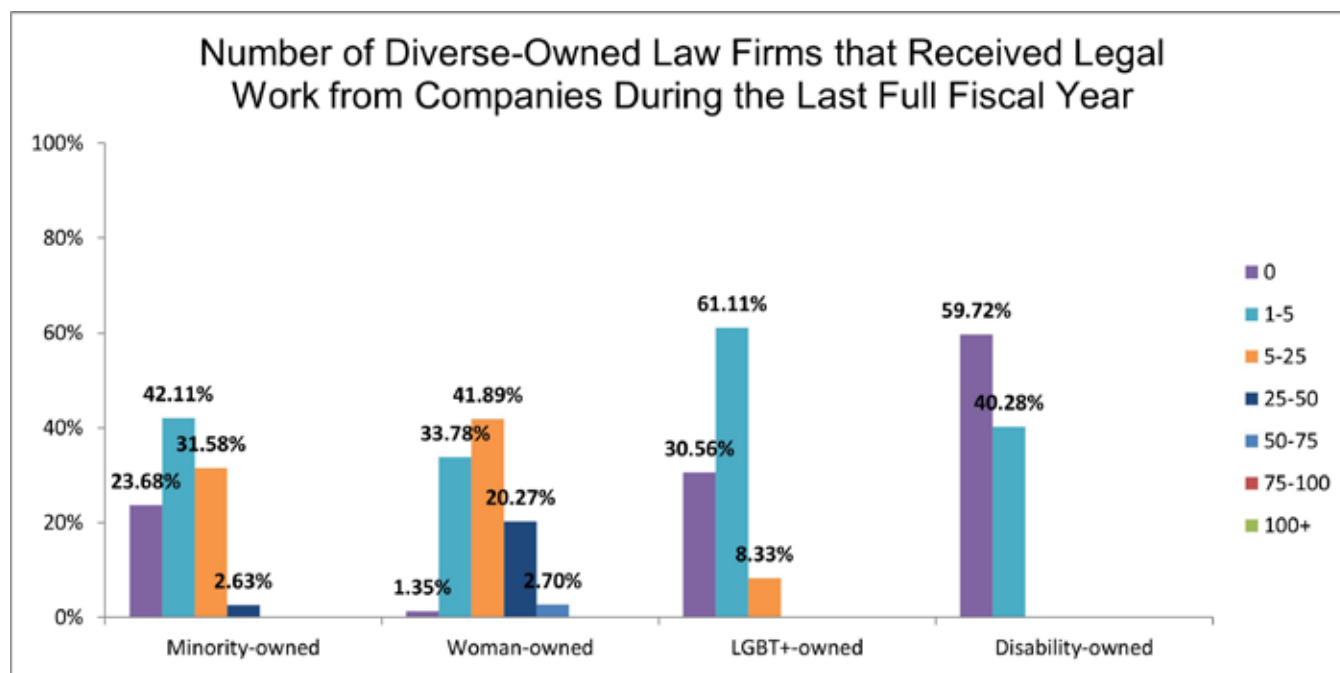
**On average, respondents reported assigning 65% of outsourced legal work to large, majority-owned firms.**

### Percentage of the Legal Work Assigned by Companies to Outside Counsel in a Typical Year By Practice Areas



Workers' Compensation was by far the practice area that most respondents are assigning to outside counsel. Litigation, Employment Law, Appellate, Internal Investigations, Immigration, Arbitration/Mediation, White Collar Crime, and Crisis Management were the next most heavily-weighted practice areas. Corporate Governance, Transactional (not including M&A), and Intellectual Property were the practice areas least likely to be referred to outside counsel.

Corporate clients who assigned legal matters to diverse-owned law firms in their last full fiscal year were asked to specify what types and how many diverse-owned firms received work. Minority-owned firms fared poorly. 42.11% of respondents (32 of 76) reported assigning legal work to between 1 and 5 minority-owned law firms. 31.58% of respondents (24 of 76) reported assigning work to between 5 and 25 minority-owned law firms, while 2.63% (2 of 76) report assigning work to between 25 and 50 minority-owned law firms. No respondents reported assigning work to over 50 minority-owned firms. Almost a quarter, 23.68% (18 of 76), reported assigning no outside legal work to minority-owned law firms.



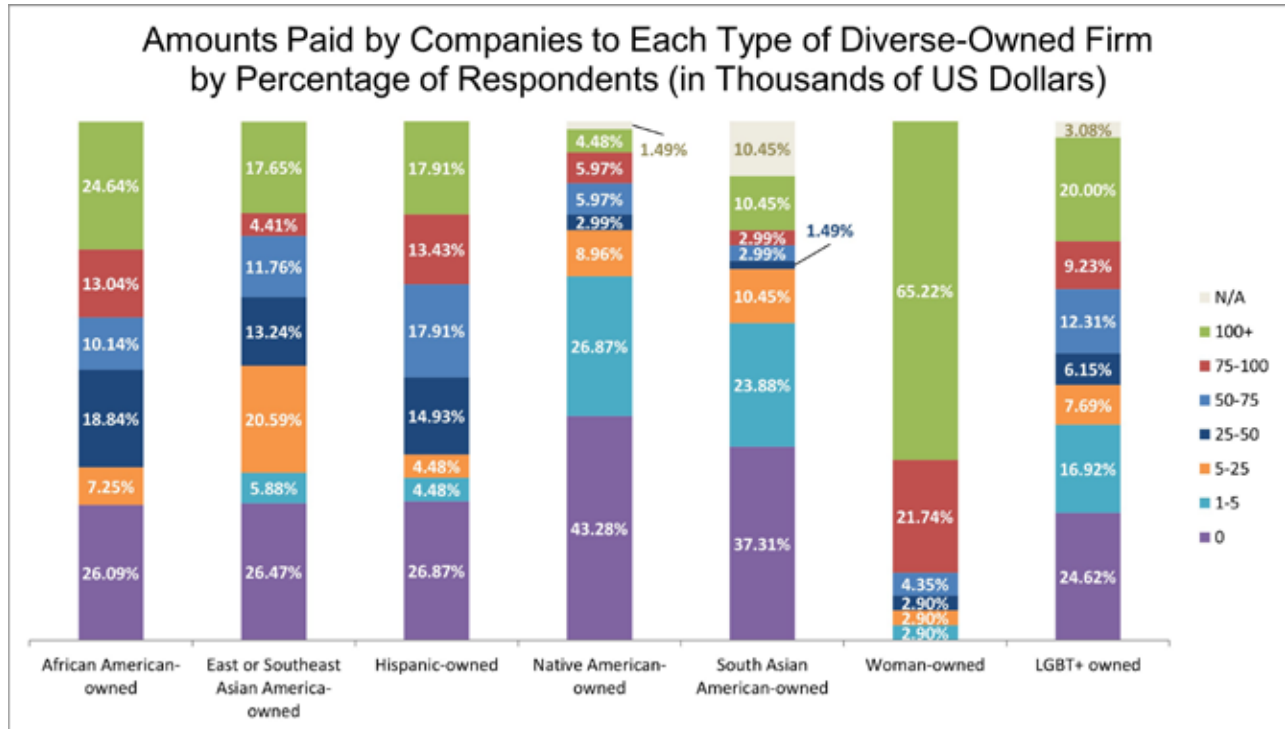
Women-owned firms did somewhat better. 41.89% of respondents (31 of 74) reported assigning work to between 5 and 25 woman-owned law firms. The next largest group, 33.78% (25 of 74), reported assigning work to between 1 and 5 woman-owned law firms, while 20.27% (15 of 74) reported assigning work to between 25 and 50 woman-owned law firms and 2.7% (2 of 74) reported assigning work to between 50 and 75 woman-owned law firms. No respondents reported assigning work to more than 75 woman-owned law firms in the past year. Only 1.35% of respondents (1 of 74) reported assigning work to no woman-owned law firms.

When asked about LGBT+-owned law firms, 61.11% of respondents (44 of 72) reported assigning work to between 1 and 5 LGBT+-owned law firms while 8.33% (6 of 72) reported assigning work to between 5 and 25 LGBT+-owned firms. Almost one-third, 30.56% (22 of 72), reported assigning no work to LGBT+-owned law firms.

Disability-owned law firms fared the worst. 40.28% of respondents (29 of 72) reported assigning work to between 1 and 5 disability-owned law firms. No respondents reported assigning work to 5 or more disability-owned law firms. Well over half, 59.72% (43 of 72), reported assigning work to no disability-owned law firms.

The number of firms used by corporate clients, however, does not tell the full story about the utilization and remuneration of diverse firms. We also inquired into the dollar amounts paid to diverse-owned firms during the last full fiscal year. The responses indicate that woman-owned law firms are being paid more by corporate

clients than any other type of diverse-owned law firm. All respondents had used the services of a woman-owned firm, compared to every other diversity category where anywhere between a quarter to just over 40% of the corporate clients did not use those diverse-owned firms. In the two highest categories, \$75,000 to \$100,000 and \$100,000+, corporate clients are paying woman-owned firms significantly more than other diverse-owned firms.

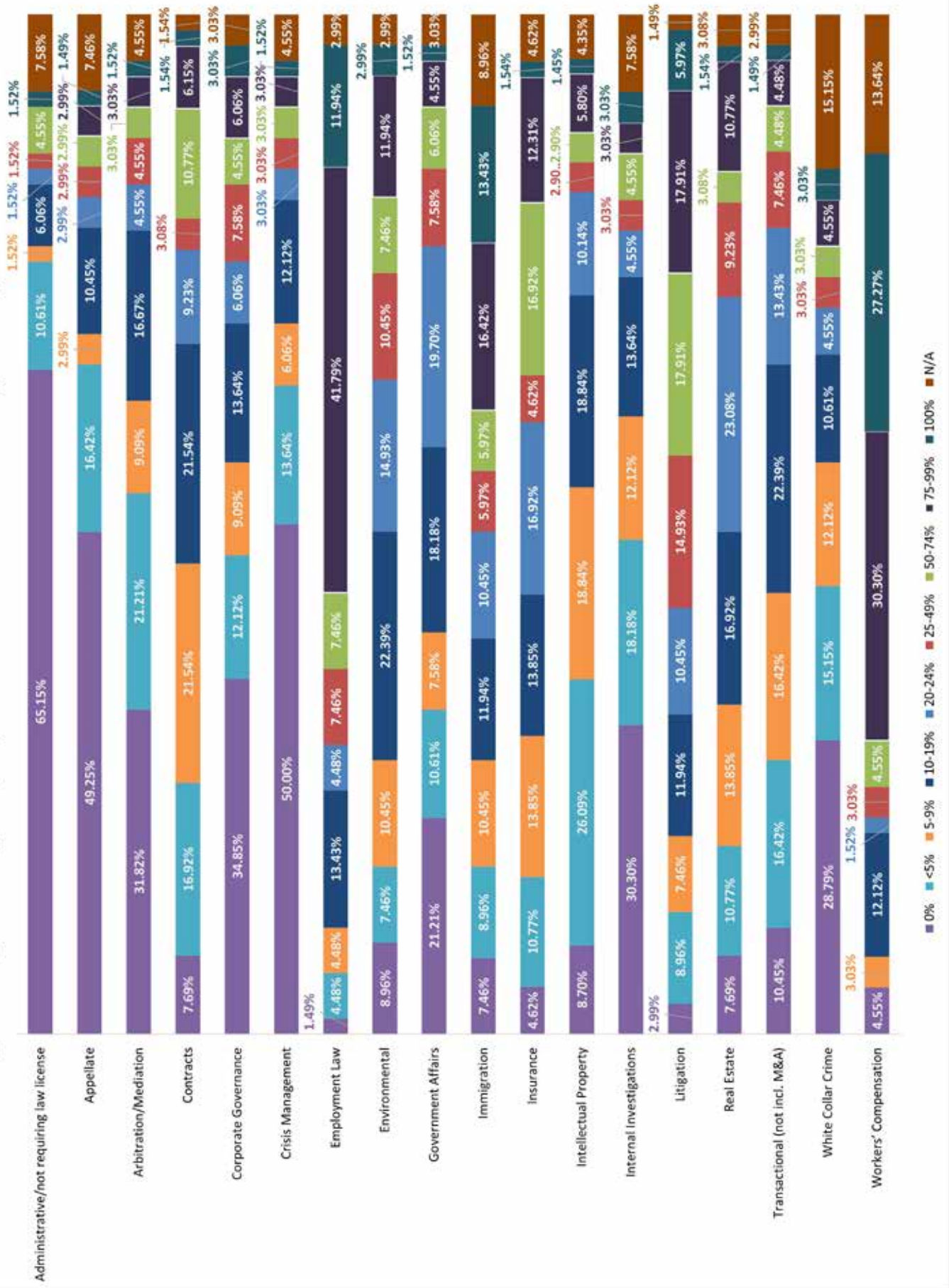


Delving deeper into corporate clients’ use of diverse-owned law firms, we asked respondents to estimate the percentage of work assigned to diverse-owned firms by practice area. Corporate clients were more likely to assign workers’ compensation, litigation, immigration, and employment law matters to diverse-owned law firms. They were least likely to assign matters involving administrative, appellate, arbitration, mediation, corporate governance, crisis management, internal investigations, white collar crime, real estate, and transactions.

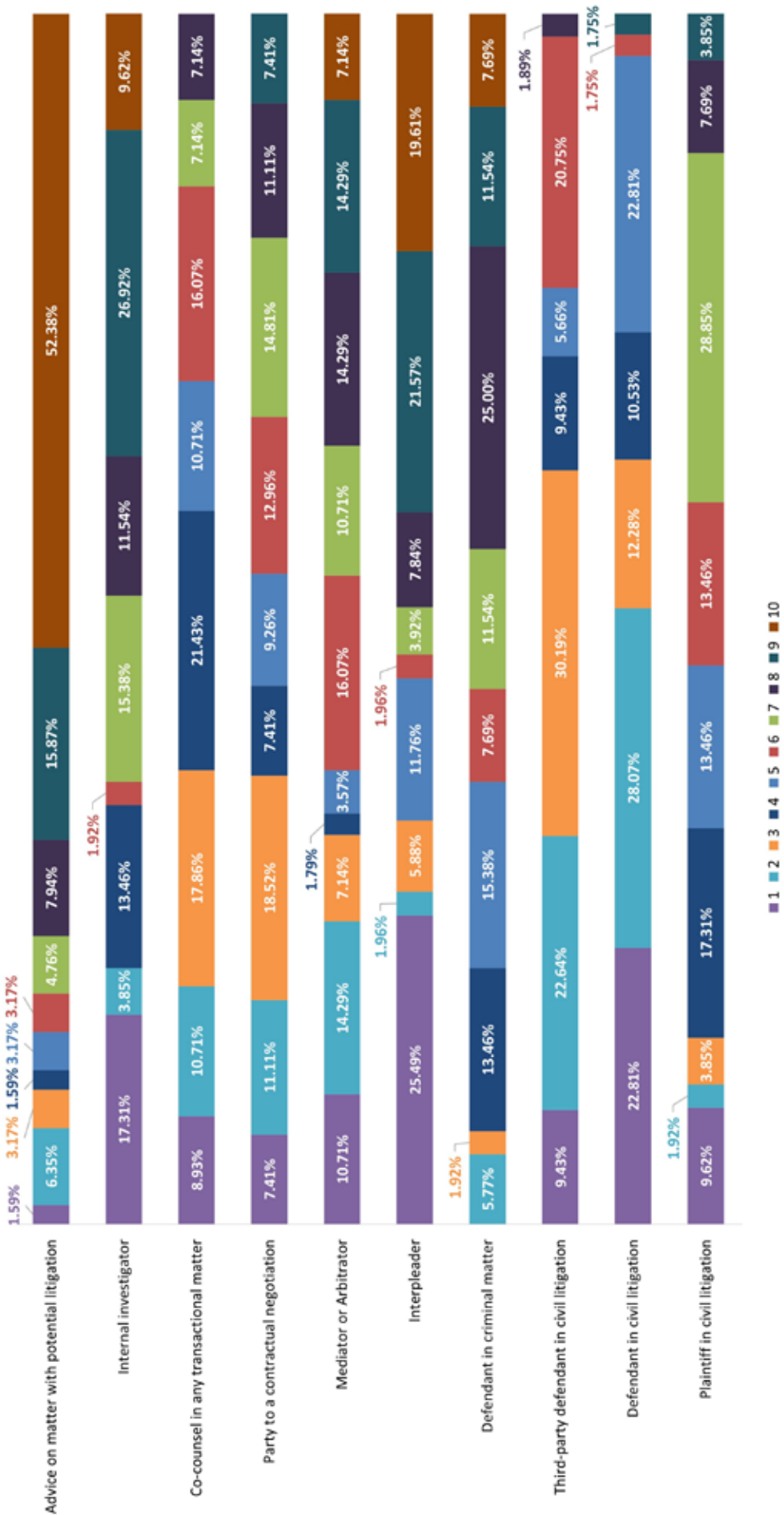
Another dimension of corporate clients’ use of diverse-owned law firms that we wanted to explore was the various roles that these clients were more (or less) comfortable with using the services of diverse-owned firms.

Respondents were asked to rank the legal work assigned to diverse-owned law firms in a typical year, and the roles/positions for which their company is retaining diverse-owned law firms’ services (1 being the most frequent role). Companies ranked the role of defendant in civil litigation as the most frequent type of work they assigned to diverse-owned firms, followed by third-party defendant in civil litigation, co-counsel in any transactional matter, party to a contractual negotiation, and plaintiff in civil litigation in descending order. The least frequent roles that corporate clients utilized diverse-owned firms were legal advice on matters that have the potential to become litigation, require an internal investigation, and involve the company in litigation as a defendant in a criminal matter.

### Percentage of the Legal Work Assigned by Companies to Diverse-Owned Law Firms in a Typical Year by Practice Areas



Frequency of Roles Assigned by Company to Diverse-Owned Law Firms (1 = Most Frequent Role)



## **[W]oman-owned law firms are being paid more by corporate clients than any other type of diverse-owned law firm.**

### **Distinguishing Among Diverse-Owned Firms**

NAMWOLF firms distinguish themselves by satisfying NAMWOLF's standards for membership, including the length of time a firm has existed, its size, and corporate client references. NAMWOLF wanted to determine the degree to which its membership criteria influence the decision of a corporate client to retain one diverse-owned firm over another diverse-owned firm. We summarize the key findings below.

#### Pedigree, Previous Employers and Experience/Expertise

Pedigree, in the form of law schools attended by name partners, is not nearly as important as the previous employer(s) of the name partners. 11.11% (8 of 72) said law schools attended by the name partners are very important, 29.17% (21 of 72) said they are important, and 13.89% (10 of 72) said they are unimportant. By comparison, 15.28% of respondents (11 of 72) said that the previous employers of name partners are very important, 45.83% (33 of 72) said they are important, and 4.17% (3 of 72) said they are unimportant.

Pedigree is more important as it relates to the specific lawyer(s) handling a corporate client's matter. 13.89% (10 of 72) of respondents said the law school attended by the lawyer(s) primarily responsible for handling their matter is very important and another 37.50% (27 of 72) said it is an important factor. Only 9.72% (7 of 72) said it is unimportant.

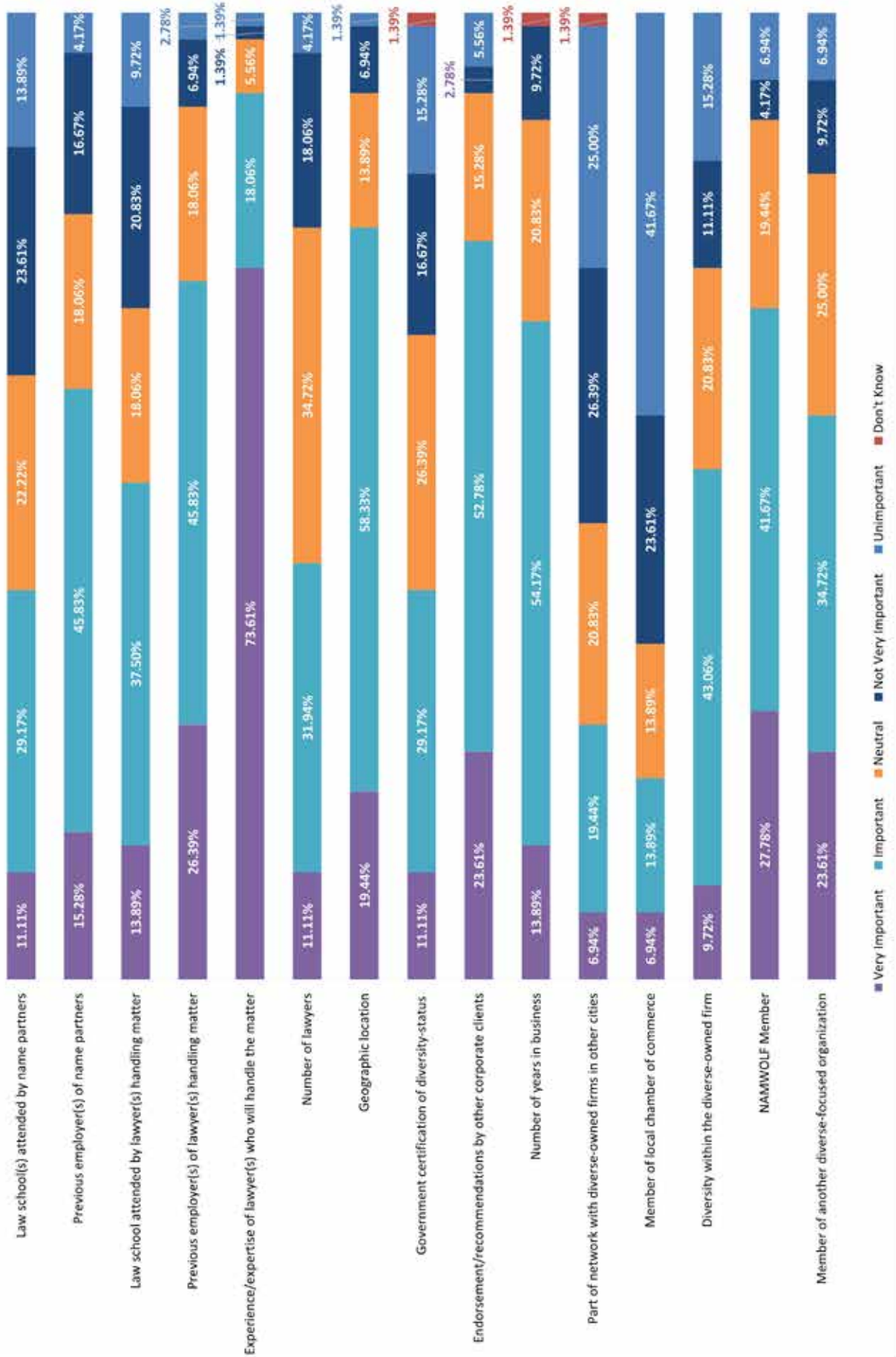
The experience and expertise of lawyers in diverse-owned firms are most important to corporate clients. 73.61% (53 of 72) said the experience/expertise of the specific lawyer(s) who will handle the matter is very important, while 18.06% (13 of 72) said it is important. Only 1.39% (1 of 72) said lawyer-specific expertise is not very important, with another 1.39% (1 of 72) saying it is affirmatively unimportant.

#### Number of Lawyers in the Firm

The size of a diverse-owned law firm is of less concern to corporate clients. 34.72% (25 of 72) of respondents reported that firm size is a neutral factor, while 31.94% (23 of 72) said it is important, and 18.06% (13 of 72) said it is not very important.



## Importance of Criteria to Companies when Choosing Among Diverse-Owned Law Firms



## Geographic Location of Office(s)

The geographic locations of a diverse-owned firm's offices are also important to corporate clients. 19.44% (14 of 72) of respondents reported that geographic location is very important and 58.33% (42 of 72) said it is an important factor. Only 6.94% (5 of 72) said location is not very important, and 1.39% (1 of 72) said it is unimportant. It was unclear whether this result is related to the types of matters being referred to diverse-owned firms, where venue or jurisdiction might have some bearing on the decision, but it is consistent with the most common types of legal work given to diverse law firms, namely, litigation.

## Government Certification of Diversity-Status (MWBE certification)

All NAMWOLF firms are MBE and/or WBE certified. MWBE certification seems to be a less compelling factor for determining whether to retain diverse-owned firms by corporate clients. While 11.11% (8 of 72) said MWBE certification is very important and another 29.17% (21 of 72) said it is important, 26.39% (19 of 72) said it is a neutral factor, 16.67% (12 of 72) said it is not very important, and 15.28% (11 of 72) said certification is unimportant. The MWBE certification of a diverse-owned firm could become more compelling, however, if a corporate client discovered that the diverse-owned firm that it had retained was, in fact, not diverse. As we note later, a MWBE certificate can also tilt the scale in favor of a diverse-owned firm when a corporate client is choosing between retaining a diverse-owned firm and a large law firm.

## Endorsements and Recommendations by Other Corporate Clients

The endorsements of diverse-owned firms and recommendations of the firms by other corporate clients are extremely important factors to corporate clients when selecting among diverse-owned firms. 23.61% (17 of 72) rated endorsements and recommendations as very important and 52.78% (38 of 72) rated it as important. 15.28% (11 of 72) were neutral, while 5.56% (4 of 72) said endorsements and recommendations are unimportant, and 2.78% (2 of 72) said they are not very important.

## Number of Years the Firm Has Been in Business

Corporate clients value firm stability. 54.17% (39 of 72) of respondents reported that the number of years in business is an important factor in choosing among diverse-owned firms, and 13.89% (10 of 72) said it is very important. For 20.83% (15 of 72), it is a neutral factor, but for 9.72% (7 of 72) it was not very important. No respondents said that the number of years a diverse firm has been in business is unimportant (0 of 72). 1.39% (1 of 72) did not know if it was important.

## Part of an Affiliation or Network with Other Diverse-Owned Law Firms in Other Cities

Some NAMWOLF firms have joined with others to establish an affiliation or network that offers clients greater depth and breadth of experience, resources, and geographic locations. We wondered whether that mattered to corporate clients. 26.39% (19 of 72) of respondents reported that a firm's affiliation with other diverse-owned firms in other cities is not very important, while another 25% (18 of 72) said it is affirmatively unimportant. For 20.83% (15 of 72), it is a neutral factor. For another 19.44% (14 of 72), however, affiliation is important, and for 6.94% (5 of 72), it is very important. 1.39% (1 of 72) did not know if it was important.

## Member of Local Chamber of Commerce

The membership of a diverse-owned law firm in a local chamber of commerce is largely unimportant to corporate clients. As a business generation factor, 41.67% (30 of 72) of respondents reported that a firm's membership in their local chamber of commerce is unimportant, while 23.61% (17 of 72) said it is not very important, and 13.89% (10 of 72) said it is a neutral factor. Only 13.89% (10 of 72) said local chamber of commerce membership is important, while 6.94% (5 of 72) said it is very important.

### Diversity Within the Diverse-Owned Firm

While all NAMWOLF firms are diverse-owned, some firms are more diverse internally than others. Does it matter to corporate clients when choosing among diverse-owned firms if a woman-owned firm also has lawyers who are racial/ethnic minorities or openly LGBT+? Does it matter if an African American-owned law firm has lawyers who are not African American? Does it matter if LGBT+-owned firms have lawyers who are not LGBT+ or who are racial/ethnic minorities? While 43.06% (31 of 72) of respondents reported that intra-firm diversity is important, another 20.83% (15 of 72) said it is a neutral factor, and 15.28% (11 of 72) said it is unimportant. For 11.11% (8 of 72), it is not very important, but for 9.72% (7 of 72), it is very important.

### NAMWOLF Membership

Is NAMWOLF membership an important factor when corporate clients are choosing among diverse-owned law firms? Respondents said that it was. For 27.78% (20 of 72), NAMWOLF membership is very important, and for another 41.67% (30 of 72), it is important. For 19.44% (14 of 72), it is a neutral factor. Only 6.94% (5 of 72) said it is unimportant, with another 4.17% (3 of 72) saying it is not very important.

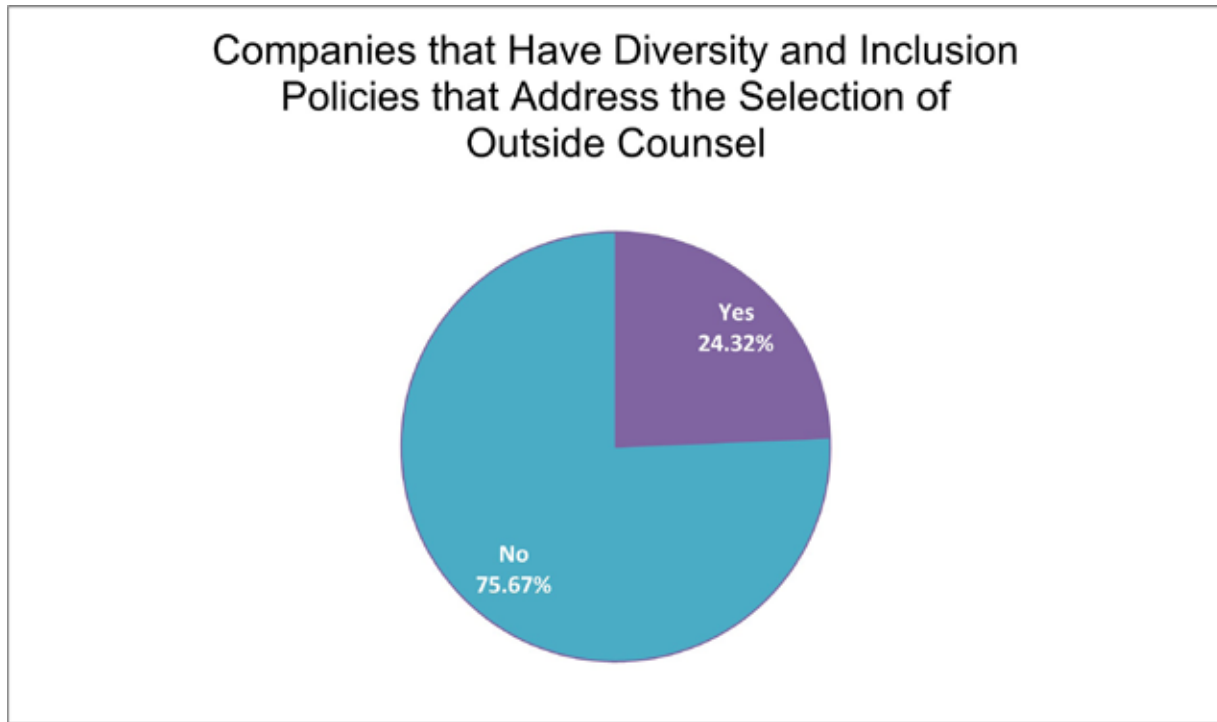
### Member of Another Diverse-Focused Organization

The membership of diverse firms in other diverse-focused organizations is important to corporate clients. 34.72% (25 of 72) of corporate clients reported that a firm's membership in another diverse-focused organization is an important factor, and 23.61% (17 of 72) said it is very important when choosing among diverse-owned firms. For 25% (18 of 72), it is a neutral factor. For another 9.72% (7 of 72), however, diverse-focused organization membership is not very important, and for 6.94% (5 of 72), it is affirmatively unimportant.

**[T]here is much work that needs to be done to have corporate supplier diversity programs include legal services.**

## Supplier Diversity Programs

NAMWOLF has been urging corporate clients to include legal services and the retention of diverse-owned law firms in their corporate supplier-diversity programs. NAMWOLF determined, however, that over three-quarters of corporate clients do not have supplier-diversity programs that include legal services.



Only 24.32% (18 of 74) said their company’s law department has a diversity and inclusion policy that addresses the selection of outside counsel. 75.67% (56 of 74) said their company does not. Clearly, there is much work that needs to be done to have corporate supplier diversity programs include legal services.

## Choosing Between Diverse-Owned Firms and Large Majority-Owned Firms

Diverse-owned law firms not only compete for the business of corporate clients, they also compete with large, majority-owned law firms for such business. We asked corporate clients about the criteria they use when determining whether to use a diverse-owned firm as opposed to a majority-owned firm.

### Potential Dollar Value of the Matter(s) Assigned

The most important factor that corporate clients weighed when deciding whether to assign a matter to a large majority-owned firm or a diverse-owned firm is the dollar value of the matter being assigned. 68.57% (48 of 70) of respondents said the potential dollar value of the matter assigned is a very important factor, while 21.43% (15 of 70) said it is important. For 5.71% (4 of 70), it is a neutral factor, and 4.29% (3 of 70) said it is not very important.

## Importance of Criteria to Companies When Selecting Outside Counsel and Choosing Between Large Majority-Owned Law Firms and Diverse-Owned Law Firms



### Individual Lawyer in the Firm's Expertise

The next most highly-valued criteria that corporate clients weighed in deciding whether to assign a matter to a large majority-owned firm or a diverse-owned firm was the subject-matter or experiential expertise of the individual lawyer in the firm who would be handling the matter. For 67.14% (47 of 70) of respondents, expertise is a very important factor. For another 27.14% (19 of 70), it is important and, for 5.71% (4 of 70), it is a neutral factor.

### Outside Counsel's Anticipated Outcome for the Matter

Outside counsel's anticipated outcome for the matter ranked highly among the criteria corporate counsel use in their decision-making about whether to assign a matter to a diverse-owned firm or a large majority-owned firm. 61.43% (43 of 70) of respondents said outside counsel's anticipated outcome for the matter is very important, while 28.57% (20 of 70) said it is important, and 10.00% (7 of 70) said it is a neutral factor.

### Experience Handling Similar Matters

The corporate client's own experience with the firm in handling similar matters is of critical importance. 54.29% (38 of 70) of respondents said experience handling similar matters for their companies is very important, while 38.57% (27 of 70) said it is important, and 7.14% (5 of 70) said it is a neutral factor. None of the respondents said it was not a factor. Experience handling similar matters for other companies, while valuable, was somewhat less important. 50.00% (35 of 70) of respondents said experience handling similar matters for other companies is an important factor, while 28.57% (20 of 70) said it is very important. Another 20.00% (14 of 70) said it is a neutral factor, and 1.43% (1 of 70) said it is not very important. This suggests that even handling small matters with small margins for corporate clients could prove valuable in the long run if those matters permit the diverse firms to obtain experience handling matters for the company and provide an opportunity for in-house counsel to establish a rapport with the diverse firm and become familiar with its work and expertise.

### Team of Lawyers in the Firm Handling the Matter

Conventional wisdom has always said that clients hire lawyers rather than law firms and that appears to be true for corporate clients when choosing between a diverse-owned firm and a large majority-owned firm. Nearly all responded that the team of lawyers handling the matter is very important or important: 48.57% (34 of 70) of respondents said the team is an important factor, and 42.86% (30 of 70) said it is very important. Only 8.57% (6 of 70) said it is a neutral factor. None of the respondents said it is not a factor.

### Familiarity with the Company and Its Business

A lack of familiarity with a company and its business and the amount of effort it would take to get a diverse-owned firm up to speed is a common reason that some in-house counsel use to explain why they choose to continue to send business to majority-owned firms instead of diverse lawyers or diverse-owned firms. We asked the corporate clients about how important familiarity with the company and its business is in their outside counsel decision-making. The answer was a resounding yes. 48.57% (34 of 70) of respondents said a firm's familiarity with their company and its business is an important factor, and another 42.86% (30 of 70) said it is very important. Only 8.57% (6 of 70) said it is a neutral factor.

### Estimate of Hours Anticipated to Handle or Resolve the Matter

While billing rates may not be the most important factor to the respondents, efficiencies and the ultimate cost to handle or resolve matters are important to corporate clients. 57.14% (40 of 70) of respondents said time estimates on a matter are important, and 25.71% (18 of 70) said estimates are very important. For 17.14% (12 of 70), time estimates to handle or resolve the matter are a neutral factor.

## Billing Rates

Billing rates and the comparison of the rates charged by a diverse-owned firm as compared to the rates charged by a large majority-owned firm can be a delicate subject. For corporate clients, it is an important factor for 60.00% (42 of 70) and very important for 24.29% (17 of 70). For 15.71% (11 of 70), it is a neutral factor.

## Billing Discounts for Bulk Matters

Some law firms have utilized billing discounts as a strategy to attract and retain commoditized legal matters. Does it work? 44.29% (31 of 70) of respondents said a firm's bulk billing discounts are an important factor, with another 20.00% (14 of 70) saying they are very important. 31.43% (22 of 70) said they are neutral, while only 4.29% (3 of 70) said discounts are not very important.

## Alternative Billing Structure

The respondents were approximately equally split when determining whether the alternative billing structure of a firm had an impact on law firm retention decisions. 45.71% (32 of 70) of respondents said a firm's alternative billing structure is a neutral factor, while 31.43% (22 of 70) said it is important, and 11.43% (8 of 70) said it is very important. Meanwhile, 8.57% (6 of 70) said alternative billing is not very important, and 2.86% (2 of 70) said it is affirmatively unimportant.

## Familiarity with the Client's Industry

67.14% (47 of 70) of respondents said a firm's familiarity with their industry is an important factor, while 18.57% (13 of 70) said it is very important. For 14.29% (10 of 70), it is a neutral factor.

## Prestige or Name Recognition Associated with Specific Firm

Some firms, by virtue of accomplishments or savvy marketing, have established a certain prestige, reputation, and name recognition. Sometimes, that prestige is tied to a particularly high-profile lawyer in the firm. Does it influence a corporate client when choosing between a diverse-owned firm and a large majority-owned firm? For 13.04% (9 of 69), prestige is very important, and for another 33.33% (23 of 69), it is important. However, for 31.88% (22 of 69), it is a neutral factor, and for 17.39% (12 of 69), it is not very important. 1.45% (1 of 69) said prestige, reputation, and name recognition are affirmatively unimportant. 2.90% (2 of 69) did not know if it is important.

## Pedigree (Law School and Previous Employers) of Lawyers in the Firm

Pedigree was not especially determinative when corporate clients were choosing among diverse-owned firms, and it appears it is not particularly important when choosing between a diverse-owned firm and a large majority-owned firm. 40.00% (28 of 70) of respondents said pedigree is a neutral factor. Another 14.29% (10 of 70) said it is unimportant, and 4.29% (3 of 70) said it is not very important. Nevertheless, 28.57% (20 of 70) said pedigree is important, and another 12.86% (9 of 70) said it is very important.

## Firm's Status as a Diverse-Owned Law Firm

When choosing between a diverse-owned firm and a large majority-owned firm, 55.71% (39 of 70) of respondents said a firm's status as a diverse-owned law firm is an important factor, and 11.43% (8 of 70) said it is very important. For 27.14% (19 of 70), it is neutral, while for 4.29% (3 of 70) diverse-owned status is not very important, and 1.43% (1 of 70) said it is affirmatively unimportant.

## Firm's Diversity Metrics

For corporate clients choosing between the use of a diverse-owned firm and a large majority-owned firm, 51.43% (36 of 70) of respondents said a firm's diversity metrics are important, and another 10% (7 of 70) said diversity metrics are very important. For 21.43% (15 of 70), metrics are a neutral factor. For 12.86% (9 of 70), they are not very important, and 4.29% (3 of 70) said they are unimportant.

## Amount of Size of Support Staff to Work on the Matter

The number and size of a diverse-owned firm's support staff are important, or at least neutral factors. 41.43% (29 of 70) of respondents reported that the size of a firm's support staff to work on a matter is important, and another 10.00% (7 of 70) rate support staff size as very important. For another 41.43% (29 of 70), it is a neutral factor. Only 5.71% (4 of 70) said it is not very important, while another 1.43% (1 of 70) said it is affirmatively unimportant.

## Number of Lawyers in the Firm

Since NAMWOLF was founded, the legal profession has seen some diverse-owned firms grow through mergers to become firms of significant size; some survive but others have collapsed for a variety of reasons. From the client's perspective, does size matter? For a majority, apparently not. 60.00% (42 of 70) of respondents said the size of firm is a neutral factor. For just over a third, size does indeed matter: 27.14% (19 of 70) said it is important, and 7.14% (5 of 70) said it is very important. For a small minority, size is not important. 4.29% (3 of 70) said firm size is not very important, and 1.43% (1 of 70) said it is affirmatively unimportant.

## Expertise

Expertise is essential to making it more likely that a corporate client would select a diverse-owned firm over a large majority-owned firm.

## **What, if anything, would make it more likely that your company would select a diverse-owned firm over a large majority-owned firm?**



Across a range of responses, expertise was listed repeatedly, almost to the exclusion of anything else. Some sample responses include:

*"Billing rates and likelihood of a good result."*

*"History of successful outcomes in similar matters or a case we expect to lose."*

*"Expertise, geographic coverage and capabilities."*

*"History of success with similar matters."*



*“Guarantee of better outcomes for less cost.”*

*“Past experience.”*

*“Higher quality associates.”*

*“Less likelihood the matter will blow up.”*

*“Successful handling of similar matters.”*

*“Level of quality of the associates. Too often we have liked the work of the name partners but have found the associates in diverse firms lack adequate training, experience and supervision. Some seem uncomfortable working with white clients.”*

*“Subject matter expertise.”*

*“Expertise in practice area, specific legal issue, opposing counsel or judge. Reduced fees.”*

*“Value/comparable expertise.”*

*“Experience, expertise, compelling strategy for the matter.”*

*“Specific practice expertise.”*

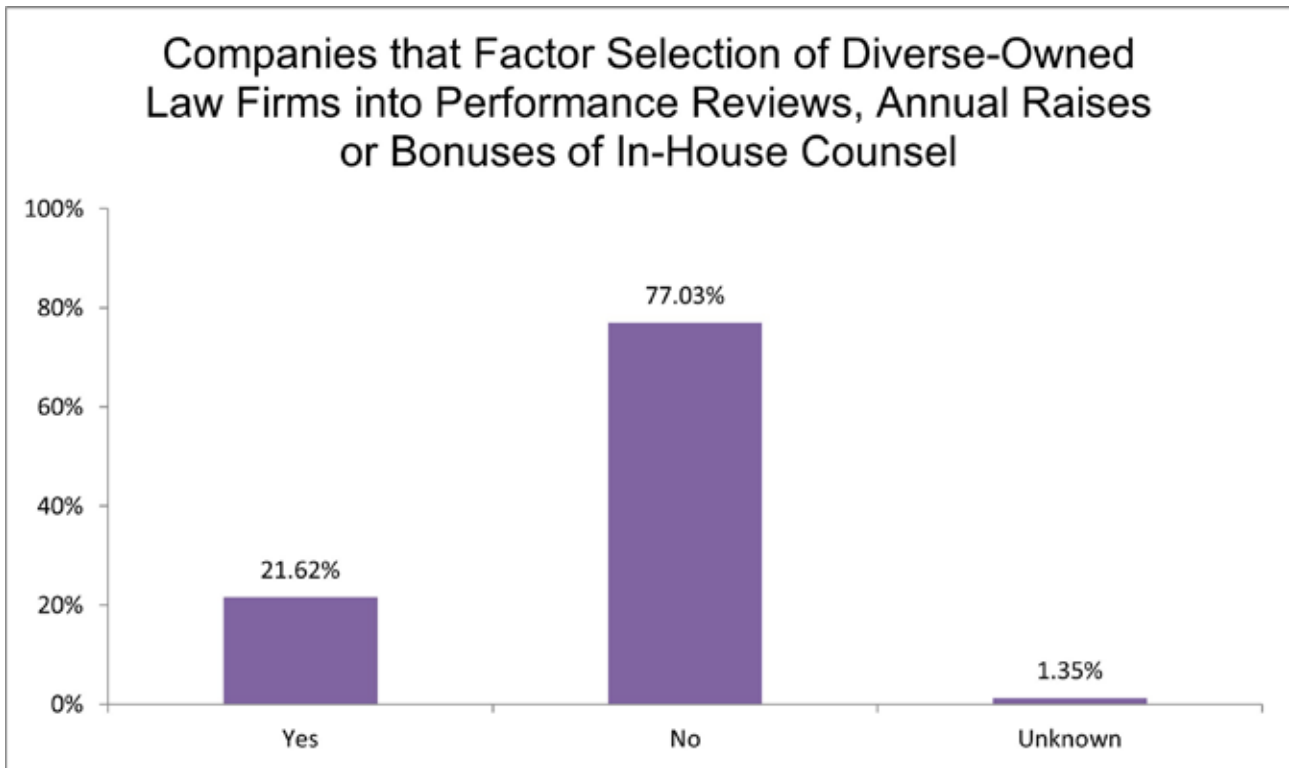
*“Expertise, location, ability to handle administrative requirement of our company and cost.”*

*“Ensuring that diversity and inclusion is made a priority in the selection of outside counsel -- which means it has to come from the General Counsel.”*

## Incentives for Using Diverse-Owned Firms

Companies were asked if the selection of a diverse-owned law firm as outside counsel would factor into the performance review or annual raise or bonus given to in-house counsel. 21.62% (16 of 74) of respondents answered yes, 77.03% (57 of 74) answered no, and 1.35% (1 of 74) said did not know. For the majority of respondents, in-house attorneys are not incentivized through raises or bonuses to select diverse-owned firms as outside counsel.

**For the majority of respondents, in-house attorneys are not incentivized through raises or bonuses to select diverse-owned firms as outside counsel.**

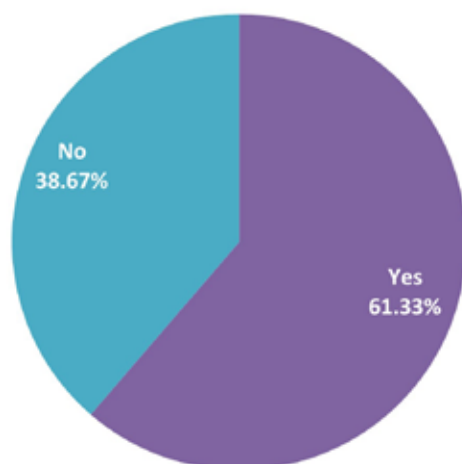


## Impact of Preferred Provider Lists

Respondents were asked if their company has a list of preferred provider law firms from which outside counsel are selected. 61.33% (46 of 75) of the companies have a preferred provider list, while 38.67% of the companies (29 of 75) do not.

**93.48% of respondents report their company's preferred provider list includes minority-owned firms.**

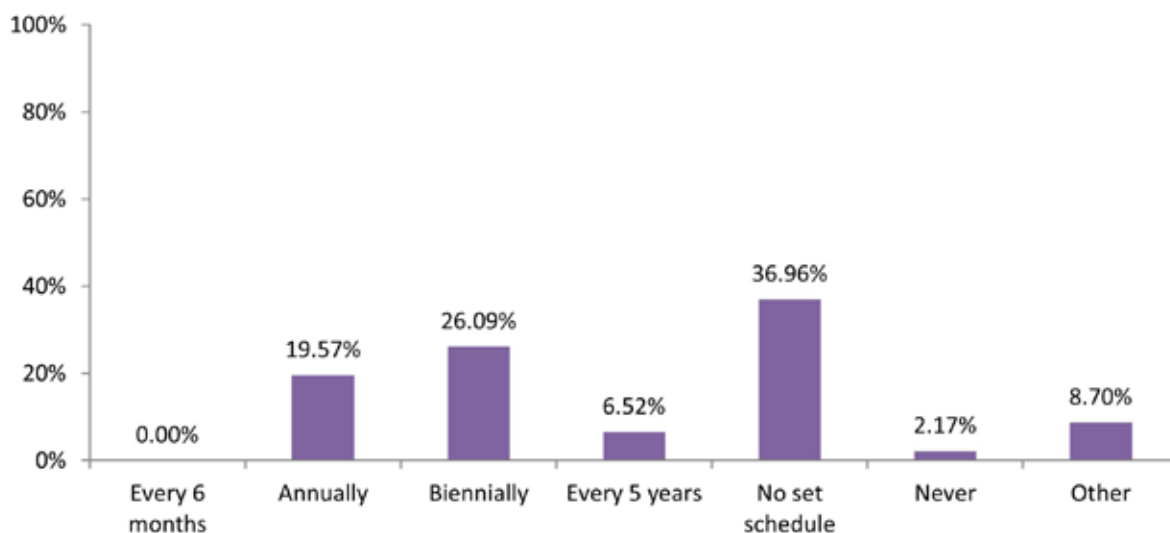
### Companies that Have Lists of Preferred Provider Law Firms from Which Outside Counsel Are Selected



Respondents whose companies have a preferred provider list were asked how many law firms are on that list. 45 respondents answered this question, and the average number of law firms on the companies preferred providers list is 55.

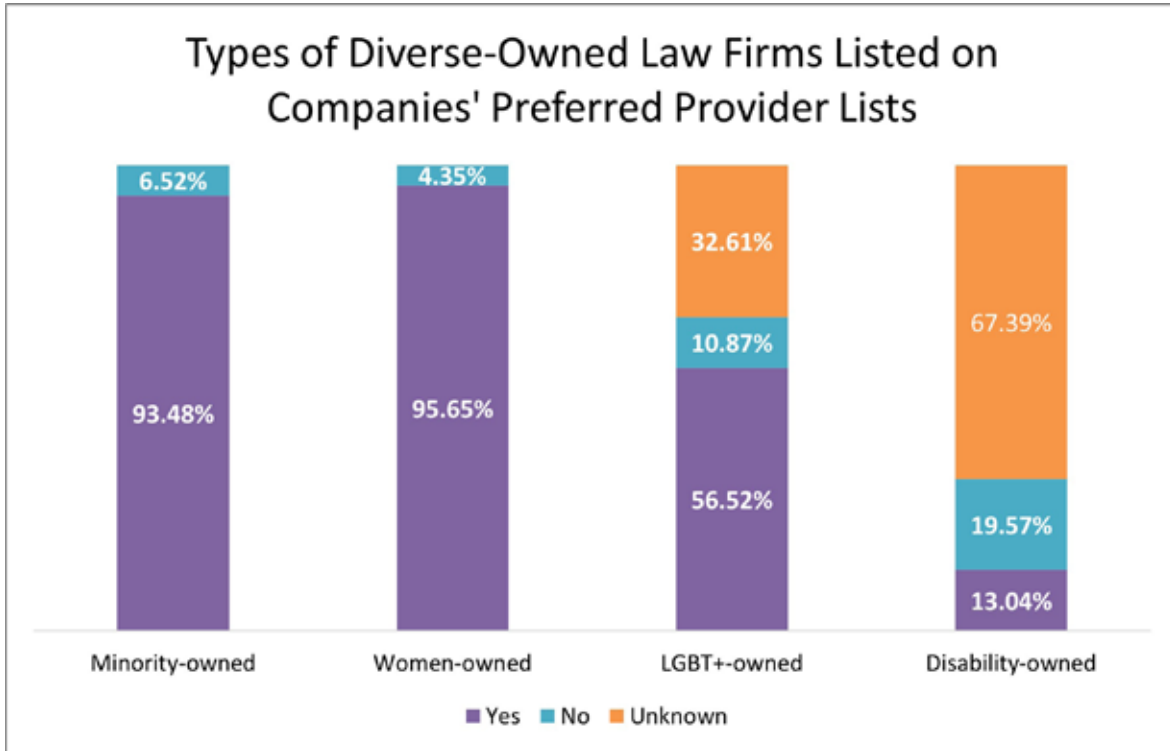
Respondents were asked how frequently the law firms on their companies' preferred provider lists are evaluated with the possibility of new firms being added or current firms being removed.

### Frequency of Companies' Evaluations of Preferred Providers with the Possibility of New Firms Being Added or Current Firms Being Removed



36.96% (17 of 46) reported that there is no set schedule to add or remove firms from their companies' preferred provider lists. 26.09% (12 of 46) said their companies review the preferred provider list biennially (every two years), 19.57% (9 of 46) annually, 8.70% (4 of 46) "other," and 6.52% (3 of 46) every 5 years. 2.17% (1 of 46) reported that the company never reviews the preferred provider list.

Respondents were asked about the composition of their preferred provider lists and whether their companies' preferred provider list includes the following types of diversity-owned firms:



### Minority-Owned Firms

93.48% (43 of 46) of respondents report their company's preferred provider list includes minority-owned firms, while 6.52% (3 of 46) said their company's list does not.

### Women-Owned Firms

95.65% (44 of 46) of respondents report their company's preferred provider list includes women-owned firms, while 4.35% (2 of 46) said their company's list does not.

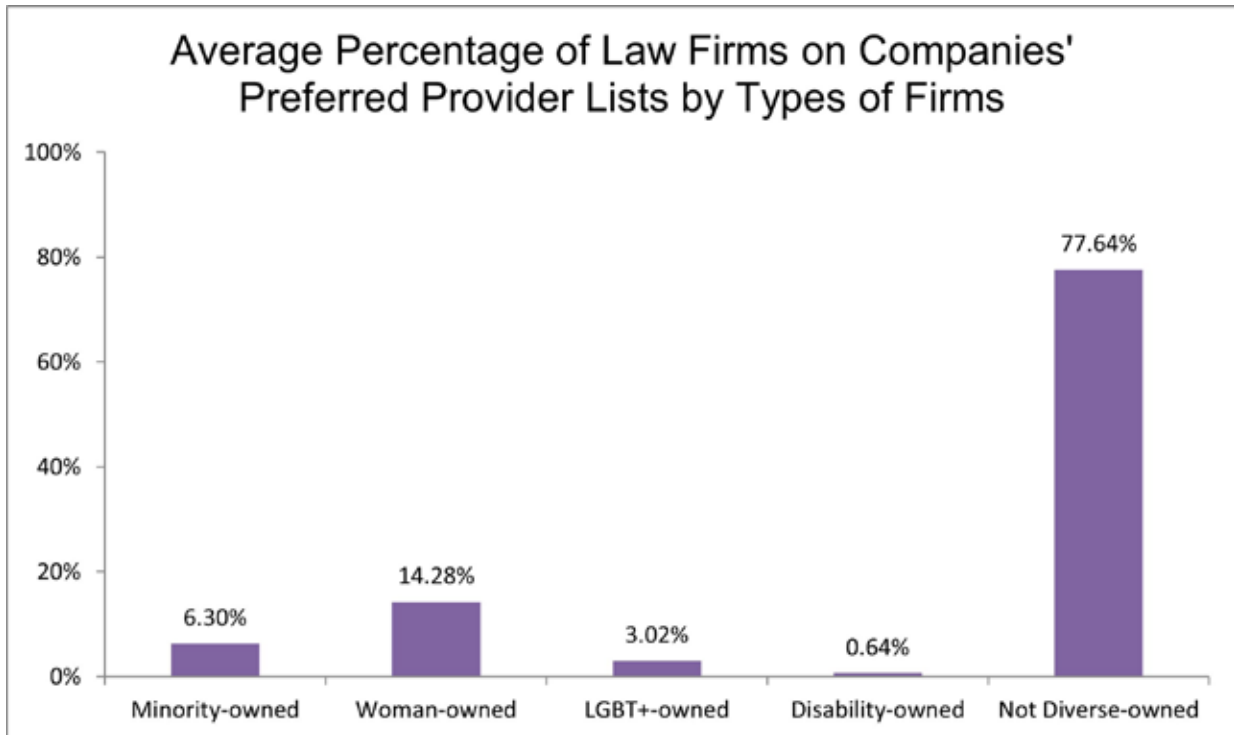
### LGBT+-Owned Firms

56.52% (26 of 46) of respondents report their company's preferred provider list includes LGBT+-owned firms, while 32.61% (15 of 46) said they do not know, and 10.87% (5 of 46) said their company's list does not.

## Disability-Owned Firms

67.39% (31 of 46) of respondents report they do not know if their company's preferred provider list includes firms owned by disabled attorneys. 19.57% (9 of 46) said their company list does not include disability-owned firms, while 13.04% (6 of 46) said their company's list does.

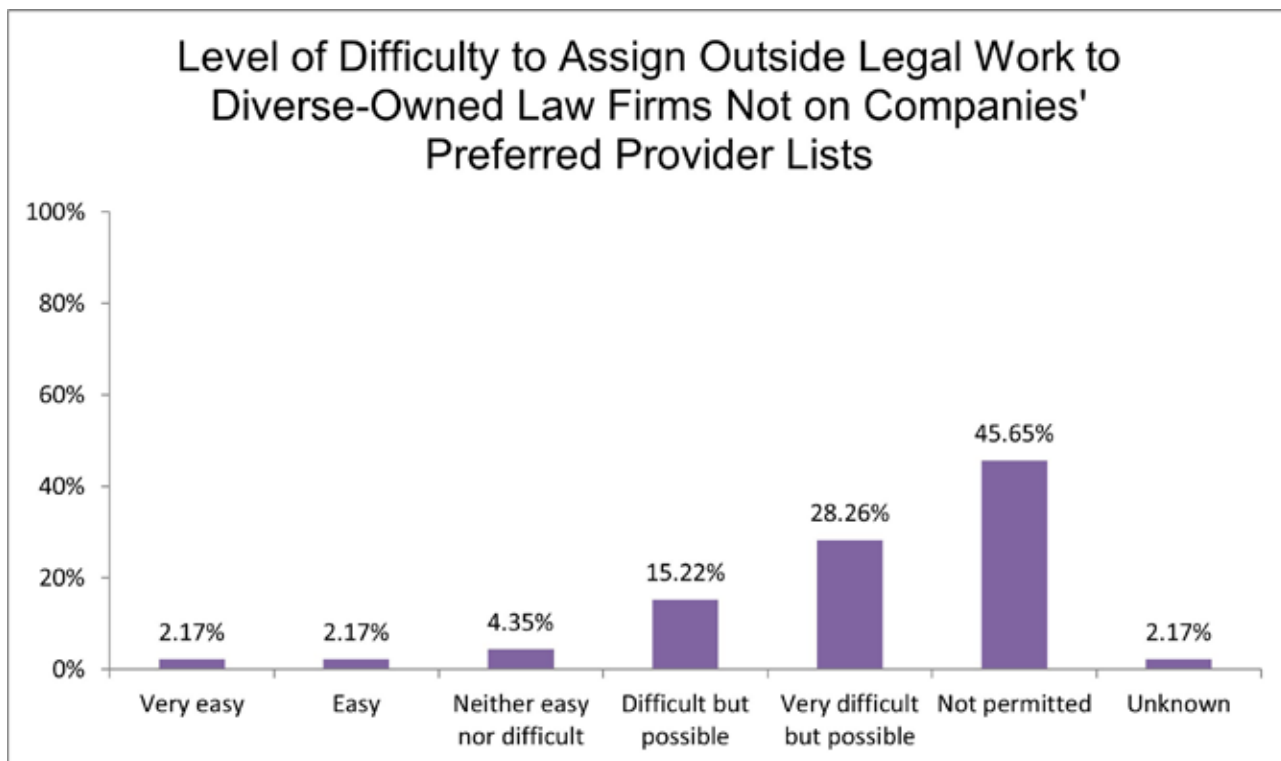
What is the percentage of diverse-owned firms on companies' preferred provider lists?



Respondents were asked what percentage of the law firms on their company's preferred provider list are minority-, woman-, LGBT+-, or disability-owned firms. The average percentage of diverse-owned firms on preferred provider lists is 22.36%. Of those diverse-owned firms, the average percentage of woman-owned firms on preferred provider lists is 14.28%, 6.30% for minority-owned, 3.02% for LGBT+-owned, and less than 1% for disability-owned.

Assigning legal work to law firms that are not on a company's preferred provider list is not easy.

**The average percentage of diverse-owned firms on preferred provider lists is 22.36%.**



When asked how difficult or easy it is for their company’s in-house counsel to assign outside legal work to diverse-owned firms that are not on the company’s preferred provider list, 45.65% (21 of 46) said outside assignment is not permitted, 28.26% (13 of 46) said it is very difficult but possible, and 15.22% (7 of 46) said it is difficult but possible. Another 4.35% (2 of 46) reported that outside assignment is neither easy nor difficult, and 2.17% (1 of 46 each) said it is either very easy, easy, or unknown.

## Building Relationships with Potential Corporate Clients

What do corporate clients advise lawyers from diverse-owned firms about how best to meet and build relationships with their companies that would be more likely to result in the diverse-owned firms being retained to handle legal matters for the company?

*“We’re very involved in our city and state bar associations. Those would be good places to meet our lawyers.”*

*“Complimentary in-house training on specific areas of law.”*

*“Minority bar programs, and ACC.”*

*“Participation on the same city bar committees as our lawyers serve on. Attendance at minority bar programs.”*

*“State bar committees and minority bar conventions.”*

*“Schedule time to visit our offices or, as many of our lawyers are active in the city bar, get involved in the same committees our lawyers serve on.”*

*“Serve on local pro bono matters with us.”*

*“Having an office in the same city as ours with lawyers who are actively working with our lawyers on bar activities.”*

*“We attend a good many of the programs and conferences in the city where we’re located, not many if we have to travel.”*

*“To find a way to showcase industry-specific expertise, including work performed for our peers.”*

*“When our lawyers attend diversity programs and CLEs.”*

*“Programs like CMCP or TMCP.”*

*“Getting to know them through programs offered by NAMWOLF, TMCP, ACC, IILP, etc.”*

*“Better trained associates. That’s one of the key distinctions for us between big firms and diverse firms. Big firm associates seem more polished.”*

*“More emphasis on the firm’s experience in specific areas of law and less on D&I. I already know you’re diverse.”*

*“Write articles about legal issues that we’re concerned about. Tell us what we’re looking to learn and we’ll find YOU!”*

*“Better caliber of associates. Lots of the associates I meet from diverse-owned firms lack professional social skills and the sophistication of their work is lacking. Lots of excellent partners in diverse firms but the associates who are being assigned to our matters are not so good.”*

*“Better trained associates.”*

*“Attendance at meetings such as NAMWOLF, DRI Diversity, and MCCA, and create opportunities to work with and meet our counsel on projects/CLEs. Avoid overselling experience to fit our needs. Keep contact with counsel regarding “wins”. Substantive articles/50 state surveys in niche issues that we may have arise.”*

*“NAMWOLF conferences.”*

*“Networking opportunities and developing relationship prior to an engagement arising.”*

*“NAMWOLF in-person meeting gratis CLE.”*

*“Reaching out to us; attending NAMWOLF conference.”*

*“NAMWOLF affiliation is great. Showing expertise in an area of need. Reaching out to in-house counsel is appropriate. CLEs are also good.”*

*“As a smaller company/department, in-person contact is big factor in selecting outside counsel.”*

*“Retention is based primarily on (1) demonstrated expertise in a (2) practice area where we have the greatest needs (i.e., litigation).”*

## Keeping Existing Corporate Clients

A great deal of attention is paid to getting clients, but what about keeping existing clients? What factors influence a client's decision to stop using a diverse-owned firm?

Respondents who used the services of a diverse-owned firm and then affirmatively decided not to use that firm in the future were asked to estimate the importance of various factors to that decision. Below find their responses.

### Poor or Dissatisfactory Outcome

78.87% (56 of 71) of respondents said poor outcome is a very important in the decision of moving away from the diverse-owned firm. 16.90% (12 of 71) said poor outcome is important, 2.82% (2 of 71) did not know the importance of outcome, and 1.41% (1 of 71) reported that outcome is a neutral factor.

### Insufficient Subject-Matter Expertise

52.78% (38 of 72) of respondents said insufficient subject-matter expertise is very important in the decision of moving away from the diverse-owned firm. 41.67% (30 of 72) said insufficient subject-matter expertise is important, 2.78% (2 of 72) did not know the importance of insufficient expertise, and 2.78% (2 of 72) reported that expertise was a neutral factor.

### Lack of Experience with Similar Types of Matters

55.71% (39 of 70) of respondents said lack of experience with similar types of matters was important in the decision of moving away from the diverse-owned firm. 38.57% (27 of 70) said lack of experience with similar types of matters is very important, 2.86% (2 of 70) did not know the importance of similar matter expertise, and 2.86% (2 of 70) reported that expertise is a neutral factor.

### Exceeded Budget

50.00% (36 of 72) respondents said exceeding the budget is very important in the decision of moving away from the diverse-owned firm. 40.28% (29 of 72) said exceeding the budget is important, 6.94% (5 of 72) said it is a neutral factor, and 2.78% (2 of 72) said they did not know the importance of exceeding the budget.

### Firm Was Too Small

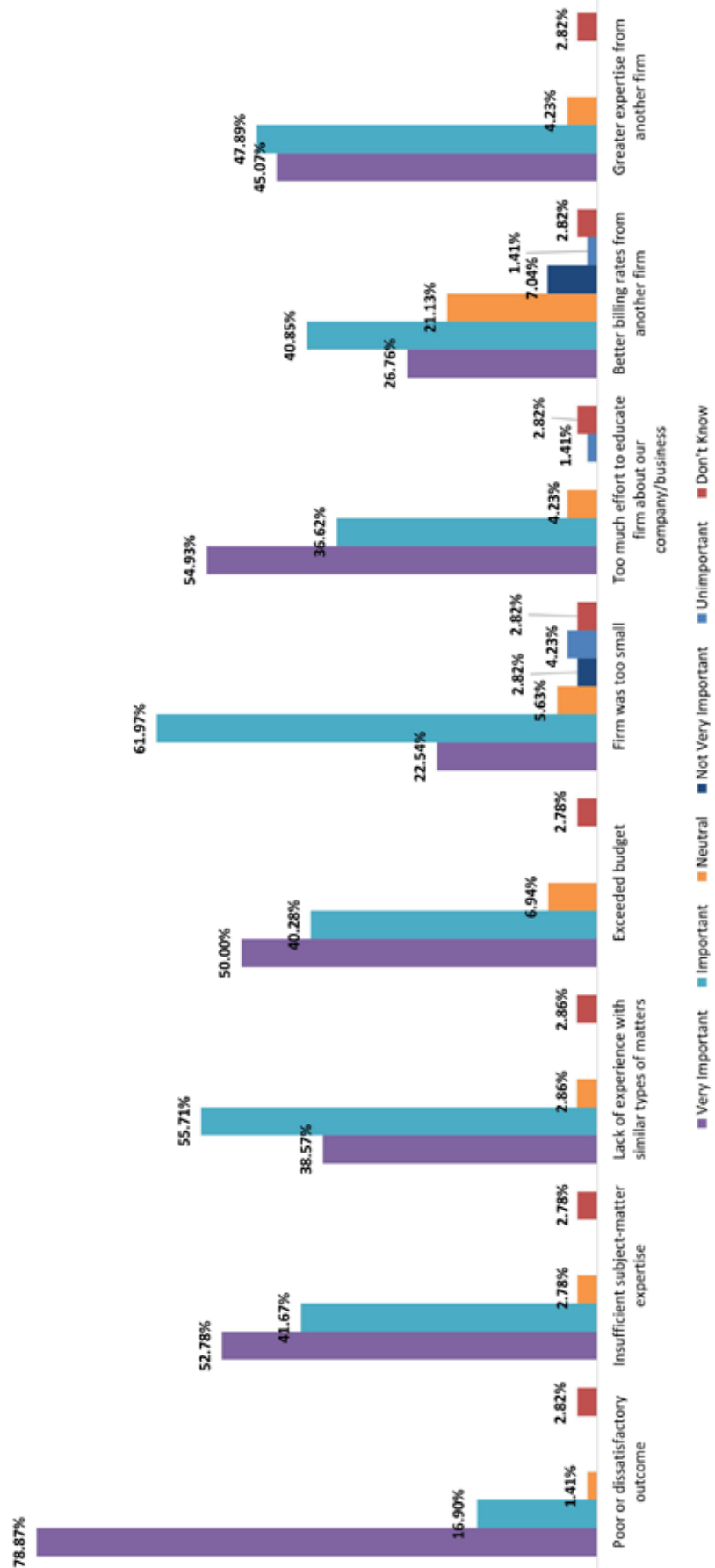
61.97% (44 of 71) of respondents said the firm being too small is important in the decision of moving away from the diverse-owned firm. 22.54% (16 of 71) said small size is very important, 5.63% (4 of 71) said it is a neutral factor, 2.82% (2 of 71) said it was not very important, 4.23% (3 of 71) said it is unimportant, and 2.82% (2 of 71) did not know the importance of size.

### Required Too Much Effort to Educate Firm About Our Company/Business

54.93% (39 of 71) of respondents said the effort required to educate a firm about the company/business is very important in the decision of moving away from the diverse-owned firm. 36.62% (26 of 71) said education effort is important, 4.23% (3 of 71) said it is a neutral factor, 2.82% (2 of 71) said they did not know, and 1.41% (1 of 71) said it is unimportant.



### Reasons for Companies' Decisions to Discontinue the Services of Diverse-Owned Law Firms by Importance



### Better Billing Rates from Another Firm

40.85% (29 of 71) of respondents said getting better billing rates from another firm is important in the decision of moving away from the diverse-owned firm. 26.76% (19 of 71) said it is very important, 21.13% (15 of 71) said it is a neutral factor, 7.04% (5 of 71) said it is not very important, 1.41% (1 of 71) said it is unimportant, and 2.82% (2 of 71) said they did not know the extent of the importance of favorable billing rates.

### Greater Subject-Matter/Experiential Expertise from Another Firm

47.89% (34 of 71) of respondents said greater subject matter/experiential expertise from another firm is important in the decision of moving away from the diverse-owned firm. 45.07% (32 of 71) said it is very important, 4.23% (3 of 71) said it is a neutral factor, and 2.82% (2 of 71) said they did not know the extent of the importance of relative subject matter/experiential expertise.

## Strengthening Relationships with Existing Corporate Clients

Equally important to understanding why a corporate client might leave a diverse-owned firm are the reasons why clients stay with diverse-owned firms. What keeps a corporate client with a diverse-owned firm?

*“Lower billing rates!”*

*“Responsiveness of the name partners.”*

*“The value proposition (capability v. cost); level of attention & support received from the firms; giving opportunities to lawyers who would not otherwise have access to our work in larger majority-owned firms.”*

*“Attention by the name partners.”*

*“Better swag at events :-)”*

*“Attention to cultivating a relationship with us.”*

*“Positive feedback as to representation, communication and billing.”*

*“Passion for NAMWOLF and for the work.”*

*“Supporting important company initiative.”*

*“Responsiveness, cost, effective results.”*

*“We have a large footprint in Latin America and the Caribbean and our clients (internal and external) appreciate working with lawyers with similar backgrounds.”*

*“The woman- and minority-owned firms we currently work with provide a high level of service and attention to detail. They also tend to be extremely responsive, a trait that is greatly appreciated by the entire in-house legal team.”*

# POST-SURVEY FOLLOW-UP

Toward the end of the data collection for this survey, news media outlets began reporting more frequently on racial disparities. In particular, mainstream news media outlets were reporting on how the COVID-19 pandemic was highlighting healthcare disparities for African American, Hispanic, and Native American communities and a surge in anti-Asian violence and hate crimes. Then came the viral videos of the false police report made by Amy Cooper against Christian Cooper, and the killings of George Floyd, Ahmaud Arbery, and Breonna Taylor, among others. As a result, widespread protests and demonstrations took place across the United States and abroad. As the legal profession reacted to these events, there seemed to be every indication that an unexpected inflection point had been reached in the legal profession's interest in and commitment to issues of racial diversity and inclusion. Many companies,<sup>8</sup> law schools,<sup>9</sup> law firms,<sup>10</sup> and bar associations<sup>11</sup> issued statements related to the emotions stirred by the video of George Floyd's death. There were news reports about the legal profession making significant financial contributions to support social justice organizations.<sup>12</sup> This changing landscape within the legal profession led NAMWOLF and IILP to wonder whether this commitment to correcting past inequities would also affect commitment to the use of, and actual use of, diverse-owned law firms by our respondents.

With that in mind, we sent those respondents who had indicated a willingness to be contacted after the initial survey a second short survey. Of the original 102 respondents, 88 indicated that they were open to follow-up contact. The questions and responses are below.

Did your company issue any kind of statement related to social justice or racism or racial disparities in the aftermath of the deaths of George Floyd, Ahmaud Arbery, Breonna Taylor, and/or others?

55.68% (49 of 88) of respondents indicated that their company had issued a public statement.

Did your company decide to take any new actions based upon public attention paid during 2020 to social justice or racism or racial disparities?

29.17% (21 of 72) reported that their companies had decided to take new actions related to social justice, racism, or racial disparities.

*"We expanded the membership of our D&I committee to include more African Americans."*

*"They established an employee action fund where those who wished could designate a % of their salaries to support Black Lives Matter"*

*"[E]ach member of our leadership team scheduled time to talk to our black employees about how they felt."*

*"We gave everyone Juneteenth as an extra holiday."*

*"We're still assessing how we will proceed. At the very least, our company intends to make a sizeable donation to local Black charities."*

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8. "George Floyd's death was a wake-up call for Corporate America. Here's what has – and hasn't – changed" by Chauncey Alcorn, CNN Business, <https://www.cnn.com/2021/05/25/business/corporate-america-anti-racism-spending/index.html>.

9. "Law Firm & Law School Responses to the Black Lives Matter Movement," <https://www.vault.com/blogs/vaults-law-blog-legal-careers-and-industry-news/law-firm-law-school-responses-to-the-black-lives-matter-movement>.

10. "What Biglaw Is Saying About the Unrest Sweeping the Nation," <https://abovethelaw.com/2020/06/biglaw-george-floyd/>; "From Big Law to Boutiques, George Floyd's Death Prompts Outrage, Some Action From Law Firm Leaders," <https://www.law.com/americanlawyer/2020/06/01/from-big-law-to-boutiques-floyds-death-prompts-outrage-some-action-from-law-firm-leaders/>.

11. [https://www.americanbar.org/groups/bar\\_services/resources/resourcepages/floydstatements/](https://www.americanbar.org/groups/bar_services/resources/resourcepages/floydstatements/).

12. <https://www.abajournal.com/news/article/how-law-firms-reacted-to-racial-injustice-and-covid-19-pandemic>.

Did your company decide to institute any new policies about your use of diverse-owned law firms based upon public attention paid during 2020 to social justice, racism, or racial disparities?

66.13% (41 of 62) said they had not instituted new policies. 30.64% (19 of 62) said they did not know whether they had instituted new policies. 3.22% (2 of 62) said they had instituted new policies.<sup>13</sup>

Did your company increase its use of diverse-owned law firms based upon public attention paid during 2020 to social justice or racism or racial disparities?

68.42% (39 of 57) said they had not increased their use of diverse-owned law firms, and 28.07% (16 of 57) said that they did not know whether they had increased their use of diverse-owned law firms. 3.51% (2 of 57) said they had not used diverse-owned firms at all during this time.

## RECOMMENDATIONS

Based upon this research, we offer the following recommendations:

- **Find Ways to More Effectively Communicate the Expertise of Diverse-Owned Firms and the Results They Deliver**

There is a need to emphasize not only the utilization of diverse-owned firms generally but advising, guiding, and supporting the marketing efforts by diverse-owned firms. One of the key takeaways from this research is that there is an informational disconnect between diverse-owned firms and the corporate clients that would retain their services. Current and prospective clients want to know about expertise and results. Diverse-owned firms need to find ways to more effectively communicate their expertise and the results they deliver. NAMWOLF is the ideal intermediary.

- **Build Up, Bolster, and Better Present the Associates**

One frequent undercurrent we picked up in this research was corporate clients' concerns about the associates in diverse-owned firms. One group expressed concerns about the training and caliber of the associates who handle their matters in diverse-owned firms. Interestingly, while no comments or other responses from this group suggested dissatisfaction with the work product of associates from diverse-owned firms, the emphasis sounded more "cultural" with the focus on the "sophistication" of these associates. The other group expressed concern about simply wanting to know more about the work experience of the associates who would be working on their matters. In either case, it appears that diverse-owned firms whose founders are Baby Boomers, whose retirement might be imminent, should develop ways to build up, bolster, and better present the associates who will one day be leading these or their own diverse law firms.

- **Expand Perceptions and Dispel Misconceptions About Diverse-Owned Firms**

This point touches on the previous two points but merits its own if only to emphasize a challenge that NAMWOLF and its member firms would do well to tackle directly: perceptions and misconceptions about diverse-owned firms and the kinds of matters they are capable of handling. Urban mythology suggests that corporate clients may shy away from the use of diverse-owned firms due to concerns about their size and ability to adequately staff a complex matter. But our findings suggest that, while the numbers of lawyers in a firm and the size of support staff may have some bearing, there are clearly biases at work in terms of the subject-matter of work assigned and the complexity of the matters as well as the number of attorneys required to appropriately staff a matter.

- **Increase Diversity Within Diverse-Owned Firms**

NAMWOLF firms pride themselves on their diverse ownership. But just as corporate clients are becoming savvier about origination credit and relationship bonuses in large law firms, our research suggests that

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13. We note, however, that NAMWOLF has noticed an increase in inquiries from corporations and governmental agencies since the data was collected.

NAMWOLF firms may start to see corporate clients scrutinizing the diversity within diverse-owned firms. For just over half of the respondents, this was an important factor. Given that women-owned firms appear to be faring better than minority-owned firms in the amount of business corporate clients are directing to diverse-owned firms, we anticipate that this may be the start of more critical conversations about diversity within diverse-owned firms.

## CONCLUSION

The COVID-19 pandemic has forced the legal profession to practice law in unprecedented ways. New opportunities abound for Fortune 1000, other corporations, and outside counsel to re-think relationships to which they have become accustomed by utilizing technology for both practical benefits and economic impact within the practice of law. The practice of law will not revert to the same practice of law to which we were all accustomed pre-pandemic. Therefore, this is an ideal time for NAMWOLF, NAMWOLF law firms, and corporate clients to re-affirm their commitment to social justice and equity and to institute changes that can, and hopefully will, result in substantial, institutionalized changes that increase the retention, utilization, and development of diverse law firms.

# NAMWOLF

## ABOUT NAMWOLF

The National Association of Minority & Women Owned Law Firms (NAMWOLF), founded in 2001, is a 501(c)(6) nonprofit trade association comprised of minority- and women-owned law firms and other interested parties throughout the United States. Many corporations and public entities interested in diversifying their outside law firm ranks focus almost exclusively on the utilization of minority and female attorneys at majority firms. Yet the available data strongly suggests that these efforts have not resulted in greater diversity in the legal profession. It is NAMWOLF's view that the most effective way for corporations to increase diversity in the legal profession is to increase their retention of minority- and women-owned law firms. NAMWOLF's Law Firm Membership is comprised of AV-rated firms across the nation that represent major corporate clients. NAMWOLF assists its Law Firm Members in developing strategic alliances, coalitions, and affiliations with corporations, in-house counsel, and other legal trade associations. Through these efforts, NAMWOLF helps empower minority- and women-owned law firms.

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## ABOUT IILP

The Institute for Inclusion in the Legal Profession (“IILP”) is the legal profession’s leading diversity, equity, and inclusion (“DEI”) think tank. Since 2009, IILP has provided the profession with a unique set of empirical tools to facilitate a more diverse, equitable, and inclusive legal profession that is reflective of the society which it serves. Widely recognized as the authoritative source for DEI in the legal profession, IILP’s innovative educational programs, research, and publications inspire the profession to think about, and approach, its persistent DEI challenges in new ways.

IILP differs from other organizations that are concerned about diversity in the legal profession in two crucial ways:

- IILP emphasizes inclusion rather than simple diversity; and,
- IILP focuses upon the profession as a whole rather than upon a particular practice setting or a specific type of diversity.

As a 501(c)(3) organization, IILP works cooperatively and collaboratively with all relevant stakeholders, including bar associations, law schools, corporate law departments, law firms of all sizes, and government agencies. It addresses diversity in all its manifestations—race/ethnicity, gender, nationality, disabilities, LGBT, religion, geography, generation, etc.—appreciating distinctive needs while recognizing the different strategies and resources that are integral to, and appropriate for, facilitating the level of collaboration and partnership needed to achieve success in its mission. IILP sees its role as filling gaps and expanding the “choir.” Its integrated, multifaceted, common-sense programming and research do not duplicate what already exists but rather seeks to fill voids that others have left unaddressed. IILP does this by engaging the traditional groups of lawyers who are diverse while also reaching out to other groups that have often been overlooked and ignored in diversity efforts. IILP includes anyone who wishes to be part of making the legal profession the best that it can be through

*Real change. Now.*

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