

TO: Board of Directors  
National Association of Law Placement

CC: James Leipold, Executive Director

FROM: Hon. Fernande R.V. Duffly  
Past President, National Association of  
Women Judges  
Task Force co-chair

Hon. Nancy Gertner  
Task Force co-chair

Julia Huston, Past President  
Women's Bar Association of Massachusetts  
Task Force co-chair

DATE: April 6, 2010

Dear Members of the NALP Board:

On June 30, 2008, NALP received for consideration a proposal that "NALP require firms to distinguish between full equity partners and other partners. Allowing firms to combine these categories obscures the fact that women and minorities may be under represented in the full equity partnership ranks of most firms, yet may be over represented in non-equity or partial-equity partner positions. Our proposed change would provide more meaningful information to law students and others by allowing them to make an apples-to-apples comparison."

This proposal was submitted by a Task Force of National Association of Women Judges (NAWJ), convened by Hon. Fernande R.V. Duffly as NAWJ President, that included NAWJ Executive Director Drucilla Ramey (now Dean of Golden Gate Law School), the current and immediate past-presidents of the Women's Bar Association of Massachusetts, and US District Court Judge Nancy Gertner, a co-chair of the Task Force. The proposal had the support of Berkeley School of Law at the University of California, Boston University School of Law, Harvard Law School, New York University School of Law, Stanford Law School, Yale Law School, Morrison & Foerster, Ropes & Gray and WilmerHale. We noted in our cover memorandum to the proposal:

"Although women have been graduating from law schools in numbers roughly equal to men for decades, women comprise only 16-17% of the equity partners at major law firms. Only 5.4% of law firm partners are members of minority groups, and that figure is fewer

than 1.7% for women of color. While many law firms have taken steps to address this problem, progress has been slow and difficult to measure. The continuing disparities at the equity partnership level have a significant and far-reaching impact on the legal profession, including by reducing the number of women and minority attorneys who are positioned to apply for judgeships or assume leadership roles in the community. Thus, the fact that the percentage of women in the judiciary has remained stagnant at under 27% is a product both of fewer women leaders being in the pipeline from large firms to the bench and of the exclusion of women from the informal and formal networks that influence judicial appointments, including from law firm partnerships and equivalent positions in public law organizations. [See remarks of] Justice Sandra Day O'Connor, as reported in 1994, in *The Effects of Gender in the Federal Courts: The Final Report of the Ninth Circuit Gender Bias Task Force: The Quality of Justice*, 67 S. Cal. L. Rev. 745, 786-87 (1994). The number of minorities in the judiciary is even lower, at under 20%."

Little has improved for women and minority members of the bar since the date of our proposal and the urgent need for accurate and consistent equity and non-equity partnership data has become a rallying point for increasing numbers of leading organizations across the country who are working to advance women and diversity in the profession (many are part of a consortium of 35 entities convened by the Center for Women in Law of the University of Texas School of Law). Your announcement at the end of December, 2009 that data collection would begin in January, 2010, was therefore received with great anticipation and hope by an ever-growing and eager audience.

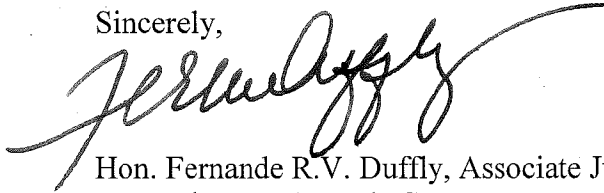
We were surprised and dismayed to learn that NALP had decided to suspend collection of equity and non-equity partner demographic information for the 2010-2011 NALP Directory of Legal Employers. The February 23, 2010, communication to Justice Duffly from NALP's Executive Director, Jim Leipold, set forth the following reason for this sudden change: "Soon after we launched the data collection process in mid-January, as law firms began completing their forms, we received a substantial number of calls from law firms who were unable or unwilling to provide the information requested in the new equity/non-equity partner categories. The NALP forms collect data on an office-by-office basis, and many employers indicated that they do not make information about equity and non-equity partners available on an office-by-office basis to any outside organization because of the risk of compromising the privacy and confidentiality of individual partners. Most of the complaining firms indicated that as a result of this change, they would not be completing their NALP forms this year."

There is mounting national concern about the increasingly serious threats to diversity in our profession, as reflected in the fact that women and minority attorneys continue to be disproportionately represented in the non-equity partner ranks of two-tier firms. Without NALP's re-inclusion of the disputed question, it will be very difficult for women and minorities to obtain the comparative information upon which they hope to gauge their relative chances for advancement and retention among possible law firm employers.

Based on the Board's initial decision to include the question on the current NALP data questionnaire, we are confident that you share our conviction that making this information available to current law students and recent law graduates will enable them to make informed decisions about which law firms will best fulfill their goals for advancement and leadership as attorneys – just as, for the past 30 years, NALP has enabled women and minority students to compare data about women and minority hiring and retention and *pro bono* commitment.

The undersigned\* urge NALP and its Board to continue to work with law firms to address the legitimate concerns for privacy and confidentiality expressed by some, while at the same time taking steps to ensure that the partnership data accurately reflects the makeup of each of the law firms, as Jim Leipold indicated to us was NALP's plan. We hope to explore with you proposals that might address these concerns and to offer our assistance in whatever way will best ensure a speedy resolution so that the data collection can be resumed as quickly as possible. In this regard, we will plan to participate in the April conference call earlier proposed by Jim Leipold.

Sincerely,



Hon. Fernande R.V. Duffly, Associate Justice  
Massachusetts Appeals Court  
NAWJ Liaison to Bar and Affiliate Groups  
NAWJ Past President  
Task Force co-chair

Hon. Dana Fabe,  
Justice, Alaska Supreme Court  
President, NAWJ

Hon. Nancy Gertner  
Judge, U.S. District Court, D.Mass.  
Task Force co-chair

Julia Huston, Partner  
Foley Hoag, LLP  
Past President, WBA of Massachusetts  
Task Force co-chair

Elizabeth Munnell  
Elizabeth Munnell & Associates  
Former Partner, Edwards Angell Palmer & Dodge  
Task Force co-chair

Drucilla Ramey, Dean and Professor  
Golden Gate University School of Law  
Past Executive Director, NAWJ  
Task Force co-chair

Carolyn Lamm, President  
American Bar Association

Carole Wagner Vallianos, President  
American Judicature Society

Lisa Gilford, President  
National Association of Women Lawyers

Ilene H. Lang, President and  
Chief Executive Officer, Catalyst

Joseph J. Centeno, President  
National Asian Pacific American Bar Association

Roberta Liebenberg, Chair  
American Bar Association Commission on  
Women in the Profession

Linda Bray Chanow, Executive Director  
Center for Women in Law  
The University of Texas School of Law

Syma Ahmad, President  
New England Muslim Bar Association

Keidi S. Carrington, President  
Massachusetts Black Women Attorneys

Deborah Hesford DosSantos, President  
Women's Bar Association of Massachusetts

David W. Eppley, Esq.  
Rackemann, Sawyer & Brewster PC  
Co-Chair, Massachusetts Lesbian Gay Bar Association

Laura E. Gibbs, President  
Massachusetts Association of Hispanic Attorneys

Charlotte Kim, President  
Asian American Lawyers Association of Massachusetts

Jessie Kornberg, Executive Director  
Ms. JD

Natasha N. Varyani, President  
South Asian Bar Association of Greater Boston

Damian W. Wilmot, Esq., President  
Massachusetts Black Lawyers Association

Judith Areen, Interim Dean and  
Paul R. Dean Professor of Law  
Georgetown University Law Center

Evan Caminker, Dean and  
Branch Rickey Collegiate Professor of Law  
University of Michigan Law School

Erwin Chemerinsky, Dean and  
Distinguished Professor of Law  
U.C. Irvine School of Law

Michele Landis Dauber  
Professor of Law and  
Bernard D. Bergreen Faculty Scholar  
Stanford Law School

Christopher Edley, Jr., Dean and  
The Honorable William H. Orrick Jr. Distinguished Chair  
UC Berkeley School of Law

JoAnne A. Epps, Dean and  
Professor of Law  
Temple University Beasley School of Law

Melissa A. Essary, Dean and  
Professor of Law  
Campbell University School of law

Michael A. Fitts, Dean and  
Bernard G. Segal Professor of Law  
University of Pennsylvania Law School.

Phoebe A. Haddon, Dean and  
Professor of Law  
University of Maryland School of Law

Joan W. Howarth, Dean and  
Professor of Law  
Michigan State University College of Law

Larry Kramer, Dean and  
Richard E. Lang Professor  
Stanford Law School

Martha Minow, Dean and  
Jeremiah Smith, Jr. Professor of Law  
Harvard Law School

Paula A. Monopoli  
Professor of Law  
University of Maryland School of Law

Maureen O'Rourke, Dean and  
Professor of Law  
Boston University School of Law

Robert C. Post, Dean and  
Sol & Lillian Goldman Professor of Law  
Yale Law School

Robert K. Rasmussen, Dean and  
Carl Mason Franklin Chair in Law and  
Professor of Law and Political Science  
University of Southern California

Richard L. Revesz, Dean and  
Lawrence King Professor of Law  
New York University School of Law

Deborah L. Rhode, Director  
Center on the Legal Profession  
E.W. McFarland Professor of Law  
Stanford Law School

Lawrence G. Sager, Dean and  
Professor of Law  
The University of Texas School of Law  
Michael H. Schill, Dean and  
Harry N. Wyatt Professor of Law  
University of Chicago Law School

David M. Schizer, Dean and  
The Lucy G. Moses Professor of Law  
Columbia Law School

Steward Schwab, Dean and  
Allan R. Tessler Professor of Law  
Cornell Law School

Emily A. Spieler, Dean and  
Edwin W. Hadley Professor of Law  
Northeastern University School of Law

Diane C. Yu, Chief of Staff and  
Deputy to the President, New York University  
Past Chair ABA Commission on Women in the Profession

Deborah Barnard, Partner  
Holland & Knight LLP  
Task Force member

Pamela Berman  
Past President, WBA of Massachusetts  
Task Force member

Margaret A. Brown, Partner and  
Head of the Boston Office of  
Skadden, Arps, Slate, Meagher & Flom LLP

Kathy Jo Cook, Partner  
Wagner Cook Freiberger & Washienko, LLC  
Past President, WBA of Massachusetts  
Task Force member

Lisa Cukier, Partner  
Burns & Levinson LLP  
Task Force member

Ruth T. Dowling, Partner,  
Edwards Angell Palmer & Dodge LLP

Hon. Raya Dreben, Associate Justice  
Massachusetts Appeals Court  
Task Force Member

Patricia K. Gillette, Partner and  
Co-Founder of the Opt In Project  
Orrick Herrington & Sutcliffe LLP

Lena G. Goldberg  
Retired Executive Vice President and General Counsel  
Fidelity Investments  
Senior Lecturer Harvard Business School  
Task Force member

Karen Green, Partner  
WilmerHale  
Chair, Pharmaceutical and Healthcare Group  
Task Force member

James D. Hanrahan, Managing Partner  
Bowditch & Dewey, LLP

Patricia R. Hurley, Sr. Vice-President and  
Deputy General Counsel Fidelity Investments  
Task Force member

William Lee, Co-Managing Partner  
WilmerHale

Joan A. Lukey, Partner  
Ropes & Gray, LLP

John T. Montgomery, Managing Partner  
Ropes & Gray LLP

Ronda P. Moore, D.V.M., Partner  
Burns & Levinson LLP  
Task Force member

Regina M. Pisa, Chairman and  
Managing Partner, Goodwin Procter LLP

Walter Reed, Managing Partner  
Edwards Angell Palmer & Dodge, LLP

Alice Richmond, Treasurer  
American Bar Association  
Task Force member

Lauren Stiller Rikleen, Partner  
Bowditch & Dewey LLP  
Executive Director,  
Bowditch Institute for Women's Success  
Task Force member

Rosanna Sattler, Partner  
Posternak, Blankstein & Lund LLP  
Task Force member

Stephanie A. Scharf, Partner  
Schoeman Updike Kaufman & Scharf  
Former President, NAWL  
Chair, NAWL National Survey on Retention and  
Promotion of Women in Law Firms

Ingrid Chiemi Schroffner  
Immediate Past President  
Asian American Lawyers Association of Massachusetts  
Task Force member

Charna E. Sherman, Partner  
Squire, Sanders & Dempsey LLP

Brande Stelling, Vice President Advisory Services,  
Professional Services Practice, Catalyst  
Task Force member

Kathy B. Weinman, Partner  
Dwyer & Collora LLP  
Task Force member

David Brook, President  
Building a Better Legal Profession

Deborah Epstein Henry  
Founder & President  
Flex-Time Lawyers LLC

Susan Letterman White, J.D., M.S.  
Letterman White Consulting

\* Signatories as of 6:00 PM EST 4/5/2010 - additional signatories will be sent as received