



# **Pandemic nation:** Understanding its impact on lawyers from underrepresented communities

WHITE PAPER



## Background and purpose

By any measure, the pandemic brought about by COVID-19 has had a devastating impact on [working professionals from marginalized communities](#). Women in senior management, Black women, and working mothers (who perform the bulk of the childcare, remote learning, and domestic tasks) were the communities that experienced the biggest challenges, according to [McKinsey & Co.](#) These trends appear to be consistent for lawyers as well.

As the scientific community grapples with the long-term ramifications of the pandemic's global health impact, the legal industry and other businesses have only begun to understand its potential immediate and long-term impact on the careers of attorneys. Couple this with the negligible progress the legal industry has made over the past decade towards diversifying its ranks and it's clear to see why the advancement of attorneys from underrepresented communities is of great concern.



## Understanding the impact

Given the critical nature of this situation, Thomson Reuters, the Association of Corporate Counsel Foundation (ACCF), and the Association for Law Firm Diversity Professionals (ALFDP) wanted to take a more in-depth look at the impact of the pandemic on lawyers from underrepresented communities. The three organizations agreed to partner on a cross-regional survey, both in the U.S. and the U.K., to better understand this impact and to preserve the advances made within the legal profession thus far. More than 400 lawyers responded to the survey, and responses were collected in February 2021.

The authors of the report aspired to gain an understanding across underrepresented communities from the perspectives of gender, race and ethnicity, LGBTQ identity, and disability from across North America, Europe, and the Asia-Pacific region. In the survey itself, respondents who classified themselves as having "diversity lead" responsibilities, which refers to those individuals at legal employers tasked with leading diversity, equity, and inclusion (DEI) initiatives, were asked which specific groups they were focusing on to increase representation. (More information on the population can be found in the appendix.)



## Key findings

Lawyers working in law firms and in corporate law departments reported several personal challenges to developing their careers during the pandemic. One year after the start of the pandemic, the biggest barrier to career progression for lawyers continued to be limited to no in-person contact. Heavy workloads and not enough time to complete work was the second most common challenge cited by respondents.

When analyzing the top barriers by gender, the survey showed that women were disproportionately impacted by caregiving responsibilities and a lack of mentoring (Figure 1). This is on top of two additional pre-pandemic challenges of bias and perceived lack of access to both business development opportunities and to key clients.

### Barriers to progression by gender – current<sup>1</sup>

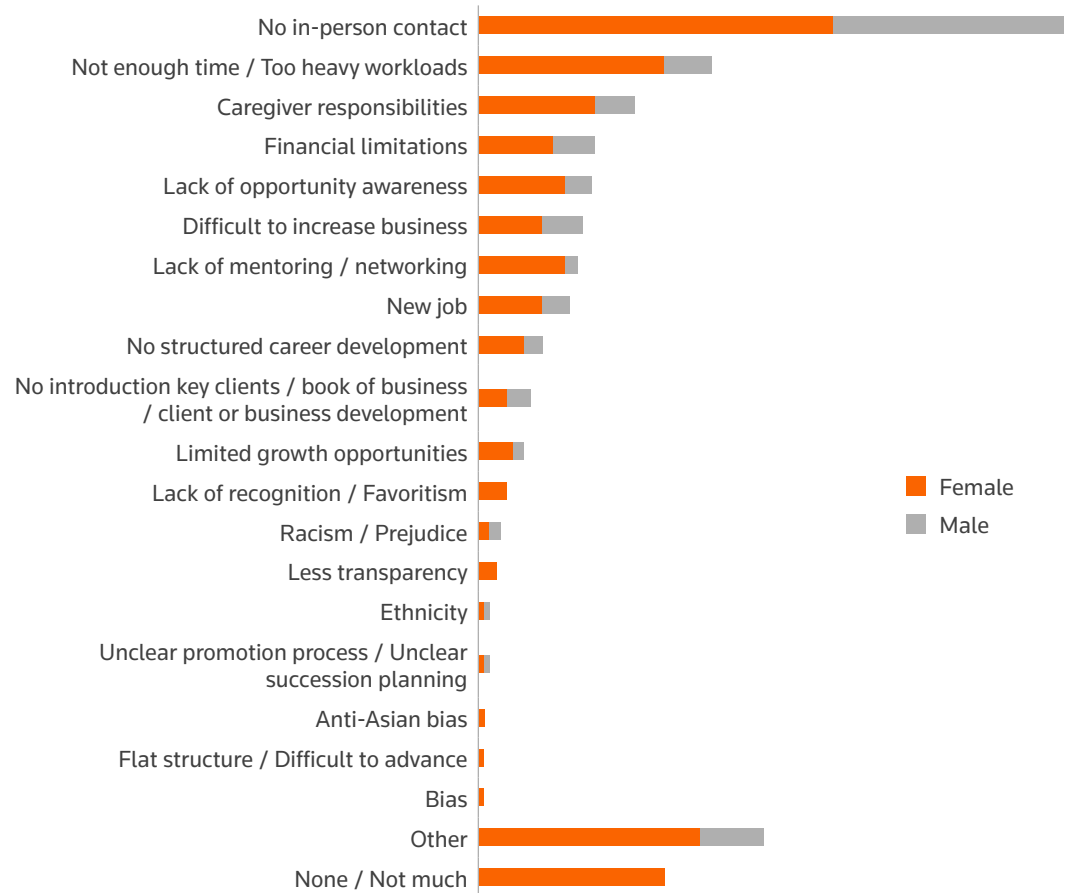


Figure 1

Lawyers of color experienced additional challenges of no in-person contact and very heavy workloads and a lack of time during the pandemic in addition to pre-pandemic challenges of flat structures, a lack of introduction to key clients, books of business and business development, and perceptions of racism, prejudice and bias (Figure 2).

<sup>1</sup>Question from survey for Figure 1: Which of the following, if any, have you experienced at any point during the COVID-19 pandemic? Check all that apply.

## Barriers to progress by race / ethnic minority – pre COVID-19<sup>2</sup>

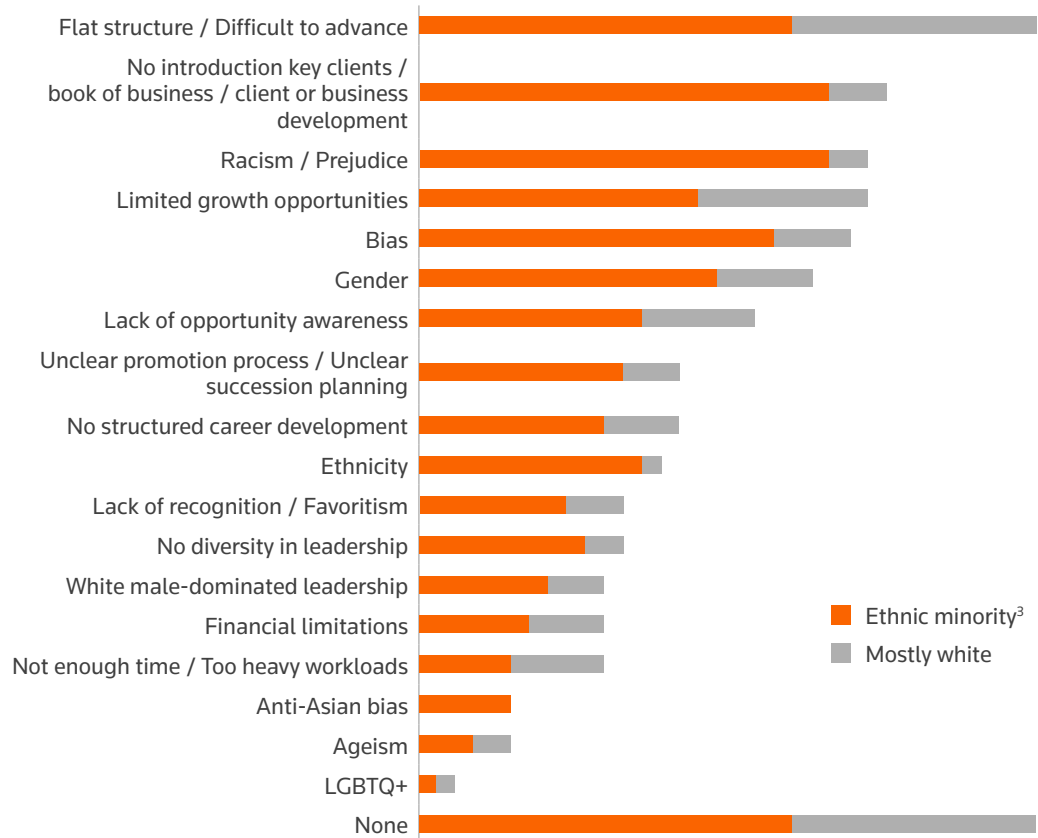


Figure 2

These challenges primarily stemmed from negative impacts on professional well-being (Figure 3). In fact, the most common negative impacts of the pandemic on personal experience have been increased stress levels (cited by 65% of respondents), as well as increased pressure on overall well-being (64%), work-life balance (57%), and time spent on self-care (48%). Also, a lack of mentorship opportunities (49%) was also cited by many respondents.

“Wellness has and always will be a big challenge for lawyers,” said Jen Chen, Director of the ACC Foundation. “Before the pandemic struck, ACC was providing resources and programming on wellness topics. We quickly increased the variety of resources available during the pandemic to help our members cope personally, as well as effectively manage their teams through the additional stressors experienced in such a short amount of time.”

<sup>2</sup>Question from survey for Figure 2: Which of the following, if any, have you experienced at any point during the COVID-19 pandemic? Check all that apply

<sup>3</sup>Lawyers in the ethnic minority category identify as BIPOC

### Impacts experienced by lawyers during the pandemic<sup>4</sup>

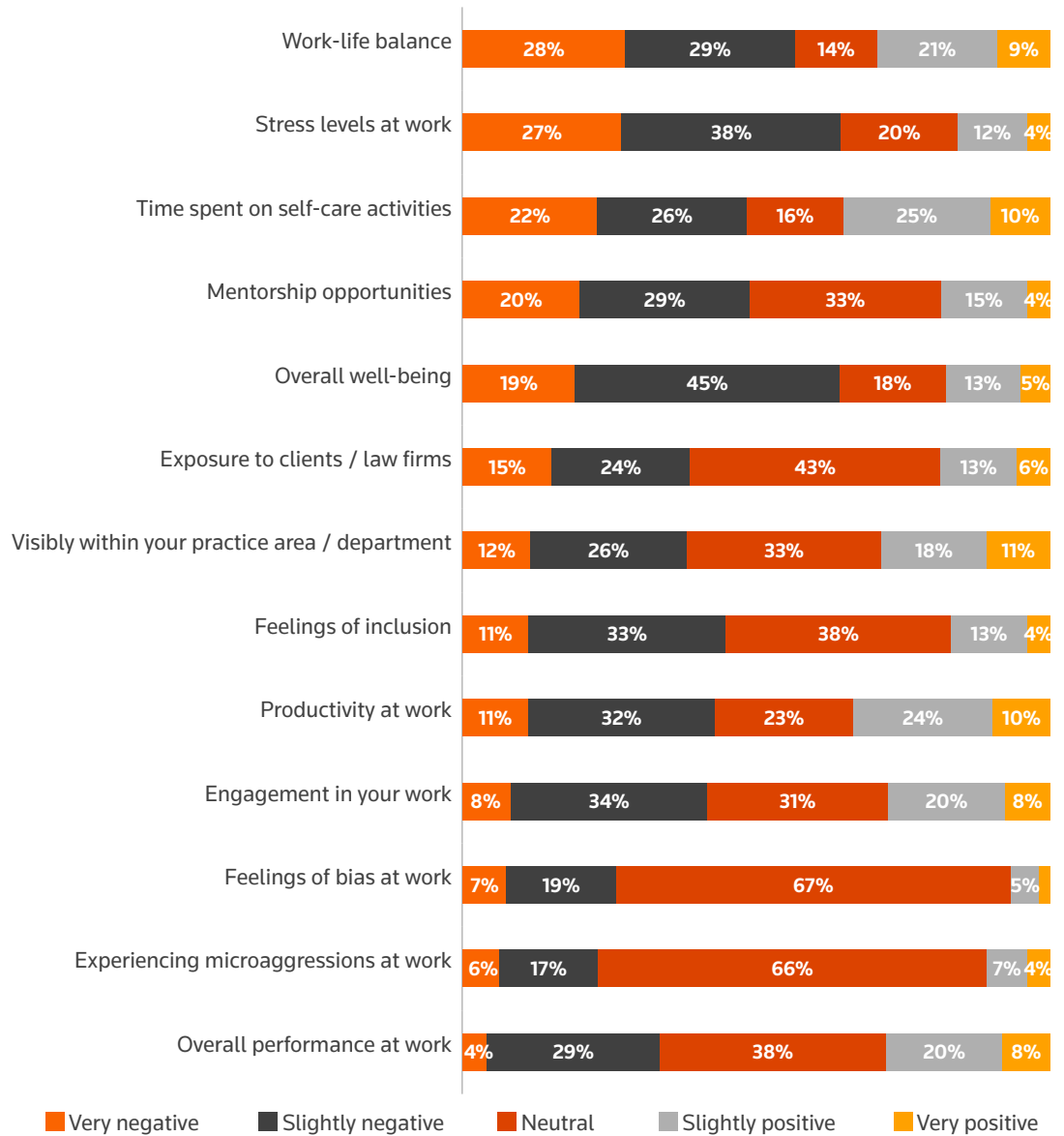


Figure 3

Other seismic events, in addition to the pandemic, also had a significant impact on the lives of certain communities during 2020. These events included the large-scale worldwide protests against racial injustices spurred by the killing of George Floyd and the increased incidents of violence against members of Asian communities.

<sup>4</sup>Question from survey for Figure 3: Overall, how has the COVID-19 pandemic negatively or positively impacted you personally for each of the following?

Many lawyers of color cited racial injustice, the Black Lives Matter movement, anti-Asian bias, and caregiving responsibilities as having the most negative impacts on their careers and well-being (Figure 4).

### Negative impacts experienced by lawyers of color<sup>5</sup>

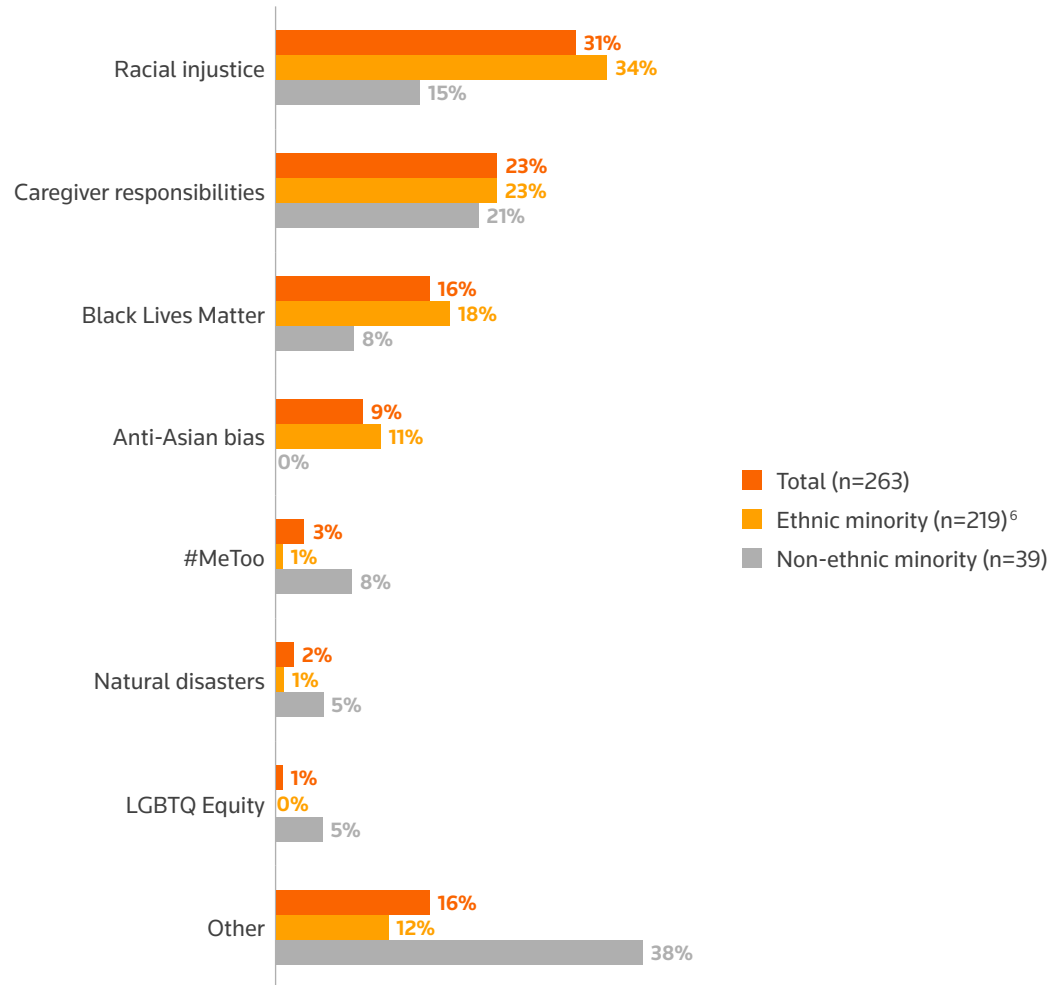


Figure 4

<sup>5</sup>Question from survey for Figure 4: During the last 12 months, besides the COVID-19 pandemic, what else has impacted your ability to develop and progress overall? Please check all that apply

<sup>6</sup>Most of the lawyers in "ethnic minority" group identify as Black, Indigenous, People of Color (BIPOC), including Latinx, while most "non-ethnic minority" identify as "white."

Breaking down the data among Black, Indigenous, and people of color (BIPOC) lawyers within the U.S., the survey shows large gaps among communities in the ability of lawyers of color to develop and progress because of additional seismic events of 2020 (Figure 5). For example, 68 percent of Black lawyers and 44 percent of Asian American Pacific Islander lawyers were negatively impacted by racial injustice and incidents of anti-Asian bias, respectively.

### Impact on personal development and progression by race/ethnicity<sup>7</sup>

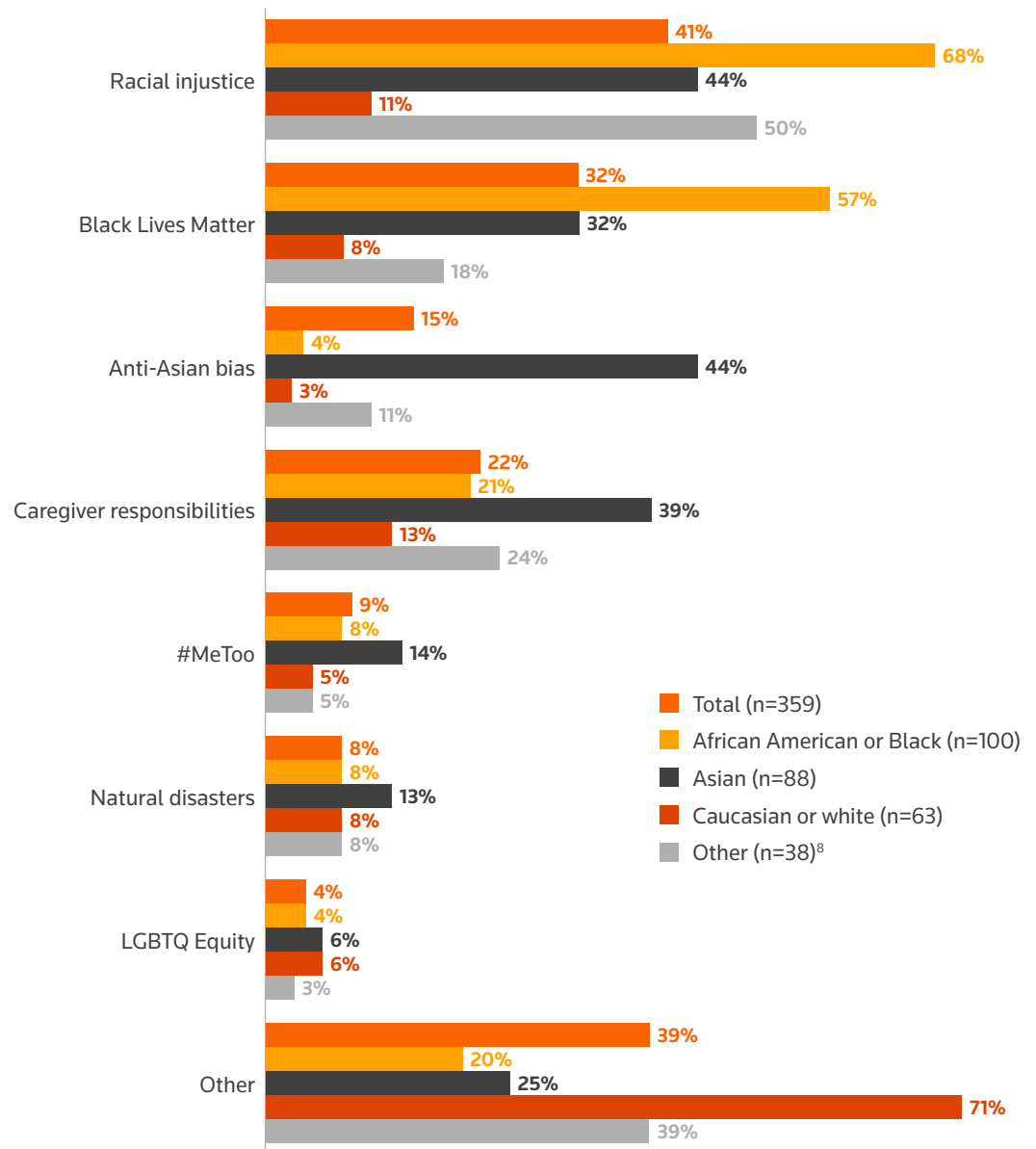


Figure 5

<sup>7</sup>Question from survey for Figure 5: During the last 12 months, besides the COVID-19 pandemic, what else has impacted your ability to develop and progress overall? Please check all that apply.

<sup>8</sup>Latinx/Hispanic lawyers were included in the "other" category because we did not have enough individuals from this community to meet the minimum standards of research for reliability and validity.

Male respondents were more likely to cite racial injustice and Black Lives Matter as having a negative impact on their experiences. (Figure 6).

### Impact on personal development and progression between women and men<sup>9</sup>

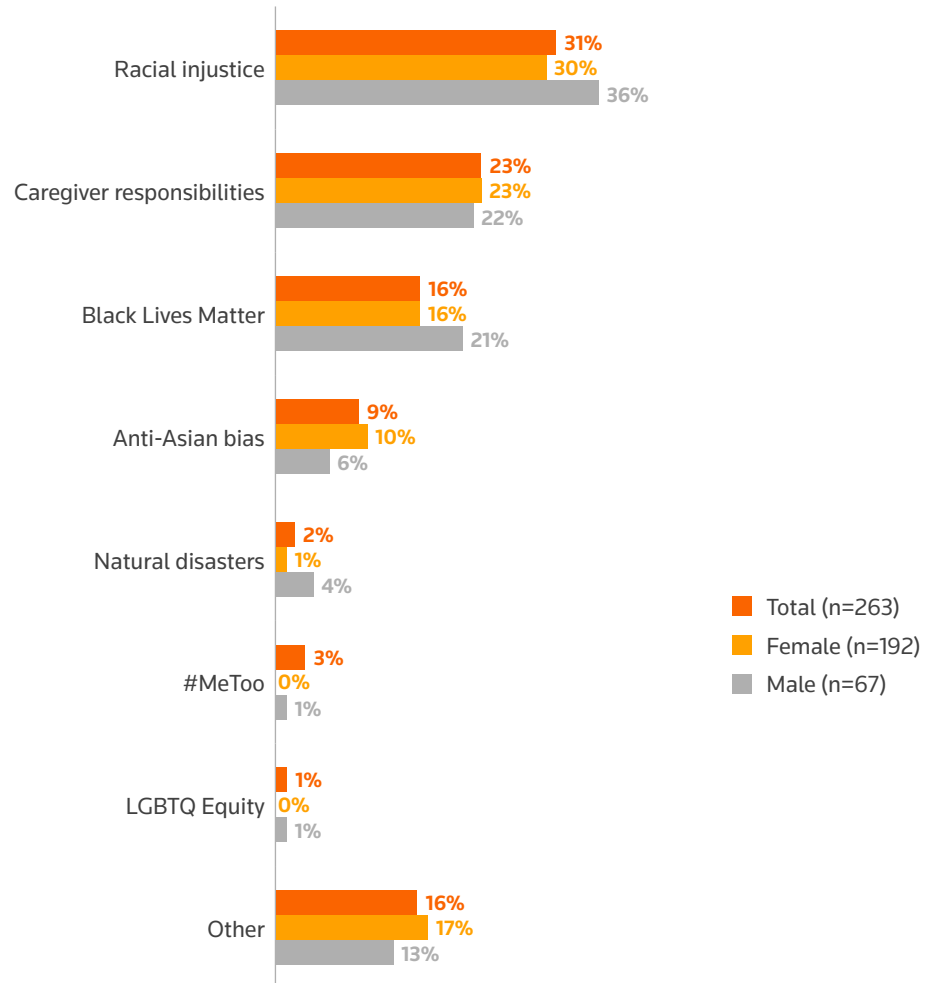


Figure 6

Organizations' pre-existing diversity efforts were not sufficient enough to truly make progress on increasing gender representation and representation of BIPOC attorneys, the survey showed. For example, most lawyers reported that both corporations and law firms have instituted manager reviews and acknowledged that organization leaders are embracing diversity initiatives and goals (Figure 7).

<sup>9</sup>Question from survey for Figure 6: During the last 12 months, besides the COVID-19 pandemic, what else has impacted your ability to develop and progress overall? Please check all that apply.



## Differences in awareness of solutions to structural barriers at legal employers<sup>10</sup>

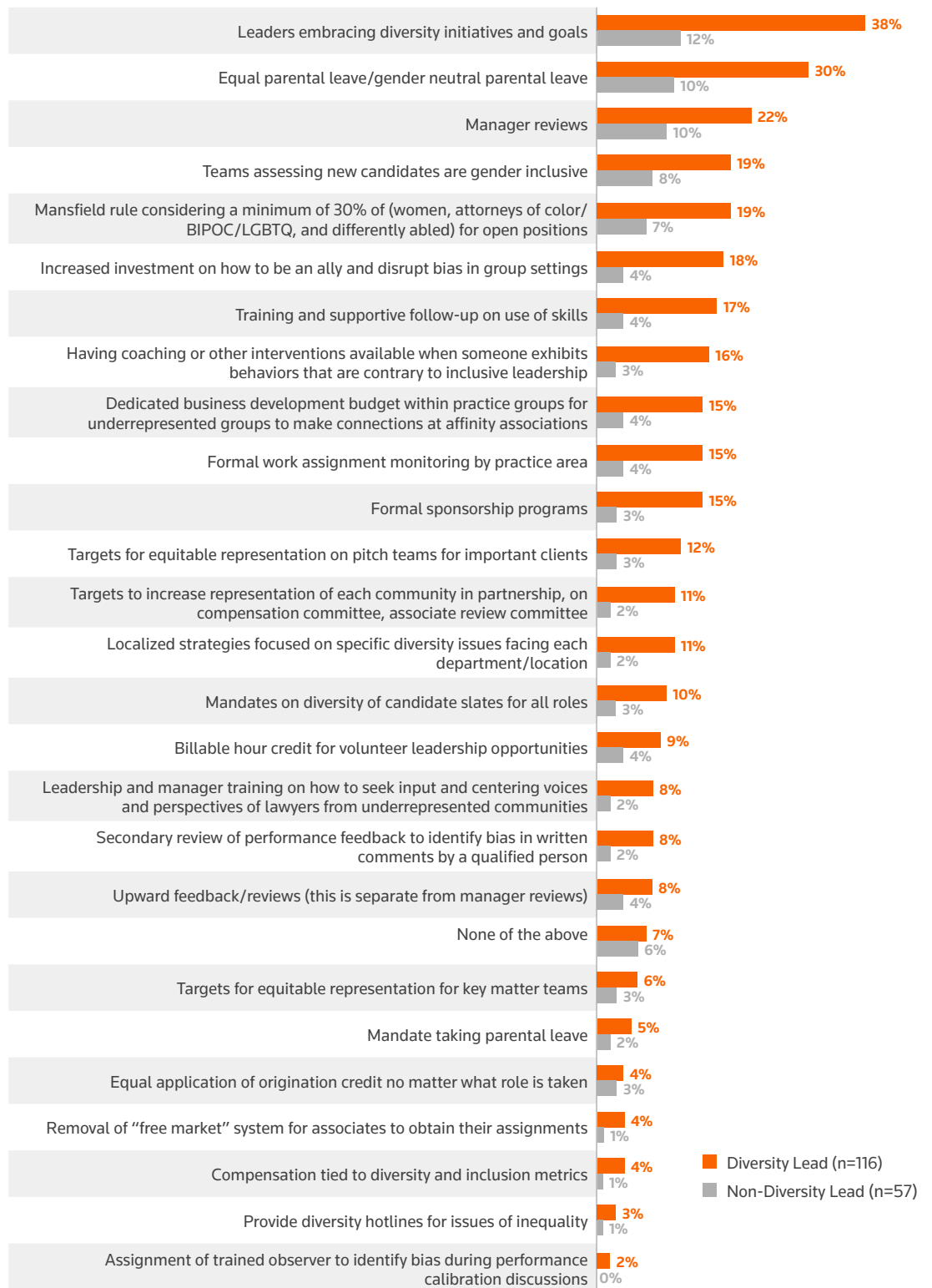


Figure 7

<sup>10</sup>Question from survey for Figure 7: Which of the following were in place at your organization before the COVID-19 pandemic? Check all that apply.

Nevertheless, respondents reported that action on this front may be falling short and that legal employers were not investing enough in initiatives that would accelerate diversity at all levels. Further, the structural barriers that lawyers from underrepresented groups face—such as lack of access to key assignments and ensuring that diverse candidate pools were considered for hiring and promotions — were still strong factors in their lack of career development. Only 15% of those respondents with DEI responsibility indicated that their employers formally monitored work allocation.

The most effective solutions to address structural barriers reported by these diversity leaders at law firms were the use of formal sponsorship programs, increased representation on key committees, and an established 30% target of underrepresented candidates for consideration for any open roles within the firm.

While less than one-fifth of law firms reported using these solutions, the data indicating the effectiveness of these methods is significant because it highlights successful solutions that other firms have already implemented.

Corporate law departments have had success using aspiration targets (such as the Mansfield rule) to support their efforts to diversify candidates for job openings, high visibility opportunities, and promotions to increase diversity at senior levels. Noting the data below, Gregory Fortsch, Associate General Counsel & Privacy Officer at The Bountiful Company and an ACC Foundation board member, said: “This data should be helpful to legal departments embarking on DEI improvement initiatives by pointing to the importance of conspicuous leadership and sponsorship, as well as diversity among candidates for open positions.”

According to survey respondents, legal employers need to increase their efforts to communicate all of the organization’s investments being made to further advancement of underrepresented communities. This need is more effective and frequent communication underscored by two separate findings within the report:

- The gap in awareness between those respondents with DEI responsibilities and those without was large across a number of initiatives designated to enhance DEI (Figure 7).
- In addition, many lawyers from underrepresented groups reported that the difference between what an organization says and what it actually does with regard to diversity and advancement is a top concern (Figure 8).

### Biggest concerns of pandemic on diversity at legal employers<sup>11</sup>

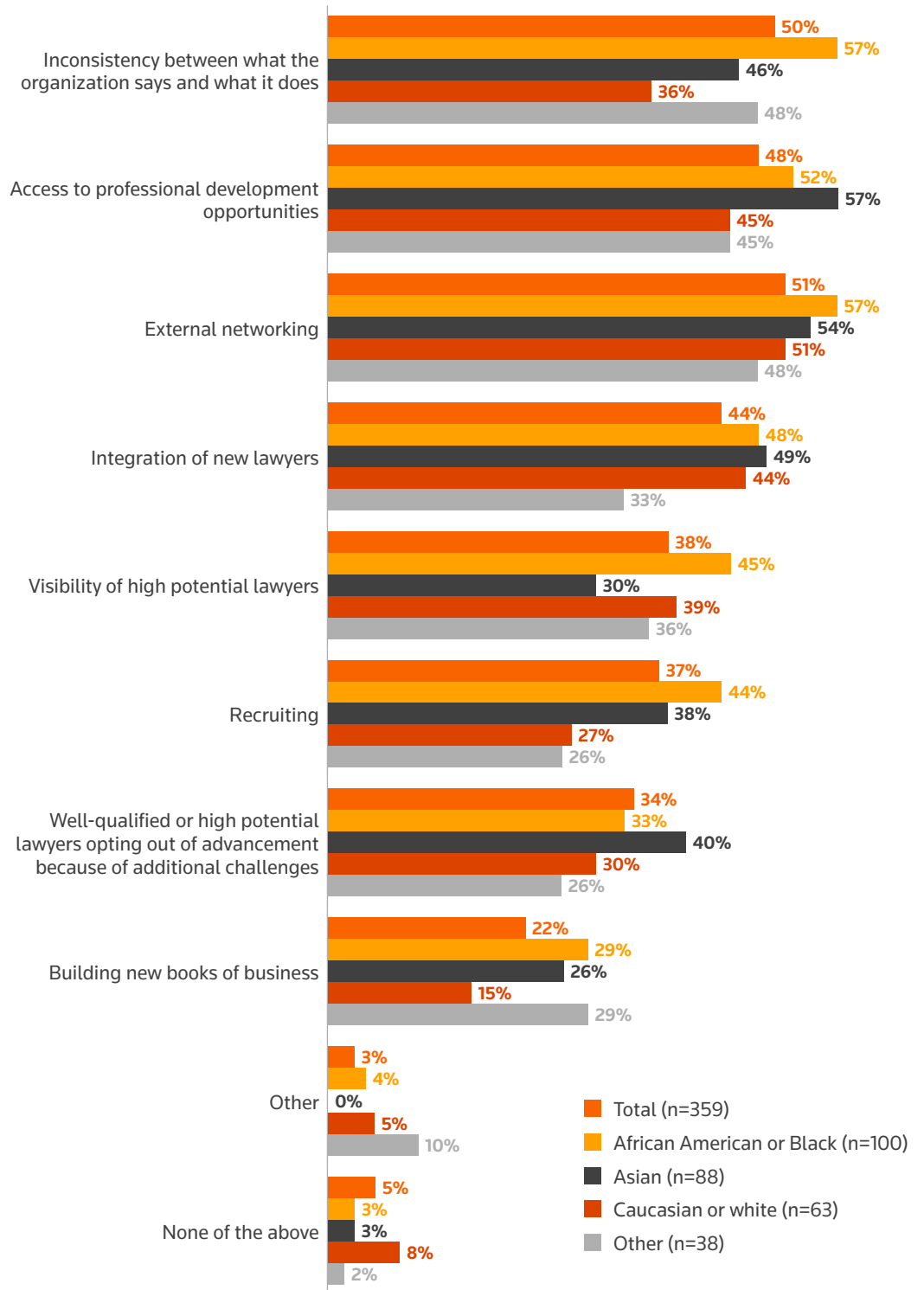


Figure 8

<sup>11</sup>Question from survey for Figure 8: Overall, what are your biggest concerns about the impact of the COVID-19 pandemic on increasing representation of underrepresented groups of people within your organization? Check all that apply.

## Potential next steps

The authors of the report — the Association of Law Firm Diversity Professionals, the Association of Corporate Counsel Foundation, and Thomson Reuters — believe that among all the actions that legal employers could take, the following are key to retaining lawyers amid the particular stresses and challenges of the pandemic.

***Employ hybrid work models in perpetuity.*** Most legal employers converted to remote work overnight; now, however, employees have an expectation to work virtually on a regular basis in the future. At the same time, lawyers who are wanting to advance and progress in their careers reported difficulties in building lasting relationships virtually, underscoring the need for in-person interactions. Going forward, it would be helpful if legal employers sought to normalize remote work by removing the pre-pandemic stigma that if a lawyer is not in the office, they are not working. Employers could do that by offering additional flexibility around where and how work gets done.

***Address the gap in “walking the talk.”*** One of the top concerns cited by all underrepresented groups surveyed was employers’ inconsistency between what it says and what it does. Employers will continue seeing low returns on their DEI investments if their employees continue to perceive a gap between action and communication. Reducing this divide is a business imperative for both corporate law departments and law firms.

***Invest in virtual community-building and build external connections.*** No one knows exactly when it will be safe for employees to return to the office at pre-pandemic levels, yet employers must address lawyers’ need for business development and relationship building now. By bringing together those inside and outside of their organizations — women and BIPOC lawyers working at law firms and within corporate law departments — both virtually and in person, legal employers can address this need in the short term.

Indeed, lawyers working at both law firms and law departments reported that external networking became a major challenge to progressing their careers during the pandemic.

***Devote more effort to inclusion.*** Not surprisingly, survey participants reported an increased negative impact around feelings of inclusion. This was exemplified by large percentage differentials on questions of the negative impacts on career development because of racial injustice and anti-Asian bias between BIPOC lawyers and their white counterparts.

These results suggest a critical opportunity to educate and inform white lawyers, particularly at senior levels, about how much external issues impact lawyers of color.

Legal employers should institute allyship programs and foster conversations about race in workplace settings to further their investment in inclusion. Also, building awareness of power dynamics in group settings among all employees — such as observing who in the group is doing most of the talking, not participating, or getting interrupted — helps to ensure an inclusive environment. Employers could go one step further to empower all employees to politely intercede to guarantee that all voices are heard and that every employee has the opportunity to participate.

These small, positive micro-actions can collectively create a multiplier effect if team leaders institute them across the organization.

***Increase access to professional development opportunities.*** Lawyers surveyed reported great levels of interest in their own career development and noted that development opportunities may have been lacking because of the past year’s challenges. To combat this challenge, legal employers should take a close look at what opportunities are available to a particular cohort. For example, have all law firm associates had equitable access to key assignments and stretch opportunities as they became available?

***Expand holistic support to high-potential lawyers from underrepresented groups.*** BIPOC survey respondents indicated that there is a real concern that well-qualified or high-potential lawyers may be opting out of career advancement because of additional challenges. Underlying causes for this could be isolation during the pandemic, the stress from caring for children or extended family members, and increased financial constraints because of increased monetary support to family members who have lost employment. Multiple support options offered by employers — such as coaching, employee assistance programs, and access to external caregiving support — can offer flexibility and the opportunity for all employees to uniquely address their needs at any given time. Employee resource groups and allies can also be essential in creating a broader support system and network.

### **Increasing advancement for lawyers from underrepresented groups**

No matter what combination of the steps above a legal employer uses, research shows that more innovative and flexible solutions to structural barriers are needed to retain and increase the career advancement of lawyers from underrepresented groups. Additionally, creating opportunities to hear directly from members of these groups about the challenges they are experiencing allows all stakeholders to explore solutions together, and can foster an environment of greater inclusion and engagement, which in turn, will also drive retention and advancement.

Listening to and centering the voices of lawyers and colleagues from underrepresented communities and acting on their feedback are must-do actions, even when it causes discomfort, in order to disrupt the status quo. Indeed, when uneasiness arrives, that means change is in progress because staying comfortable equates to staying in your current state.

In other words, if we are truly committed to progress in DEI, we need to get comfortable with being uncomfortable.

A special thank you to the following organizations who partnered with the authors in sending the survey to their members:

#### In Europe

- Black Solicitors Network (U.K.)
- Equal in Legal (Europe)
- General Counsel for Diversity & Inclusion (U.K.)
- Lawyers in Local Government (U.K.)

#### In the U.S.

- Hispanic National Bar Association
- Minority Corporate Counsel Association (MCCA)
- National Association of Asian Pacific American Bar Association (NAPABA)
- National Bar Association

## Appendix: More information on the population of respondents

The number of survey respondents stood at 406 with 174 law firm lawyers and 220 in-house lawyers. Roughly 40% of lawyers had more than 20 years of experience, and two-thirds of the lawyer population was between the ages of 35-54. From a race/ethnicity perspective, respondents were asked whether they identify as part of an ethnic minority within the country in which they live. As the majority of respondents were from the U.S. and the U.K., most of the “ethnic minority” group we refer to throughout this report are BIPOC while most “non-ethnic minority” identify as “white.”

Seventy-five percent of BIPOC lawyers surveyed identified as being from an underrepresented group, and 20% of them were partners in law firms. In terms of gender, more than 60% identified as female. Forty-five percent of survey participants reported having children under the age of 18 and 20% indicated they had caregiving responsibilities for another adult.

#### Details on the profile of the respondents is below

	Total	Non-Ethnic Minority	Ethnic Minority
	(n=406)	(n=103)	(n=297)
Years practicing law			
1-5	9%	5%	10%
6-10	14%	8%	17%
11-15	17%	11%	19%
16-20	19%	17%	19%
>20	40%	50%	35%
Years in current role			
<1	9%	7%	10%
1-5	55%	51%	56%
6-10	17%	22%	16%
11-15	9%	9%	9%
16-20	6%	7%	6%
>20	3%	4%	3%
Number lawyers org.			
<6	14%	18%	13%
6-10	5%	5%	5%
11-25	10%	9%	10%
26-50	8%	16%	6%
51-100	13%	10%	15%
101-500	29%	25%	31%
>500	20%	17%	20%

	Total	Non-Ethnic Minority	Ethnic Minority
	(n=406)	(n=103)	(n=297)
Job title/function			
Assist/Assoc GC	14%	19%	13%
Associate/Sr Associate	9%	3%	11%
Deputy General Counsel	5%	7%	4%
General Counsel	7%	14%	5%
Lawyer/Attorney	25%	25%	26%
Partner	18%	12%	20%
Sr/Managing Partner	6%	4%	6%
Other	16%	16%	15%
Diversity lead responsibilities			
Yes	51%	48%	53%
No	49%	52%	47%
Country employed			
United States	80%	80%	80%
United Kingdom	15%	9%	18%
Other	5%	11%	2%
Organization type			
Law firm	43%	35%	46%
Corporation	54%	64%	50%
Gender			
Female	68%	66%	69%
Male	30%	31%	30%

	Total	Non-Ethnic Minority	Ethnic Minority
	(n=406)	(n=103)	(n=297)
Children <18			
Yes	45%	50%	43%
No	55%	50%	57%
Disabled/differently abled			
Yes	5%	6%	4%
No	95%	94%	96%
Caring for others (adult/disabled child)			
Yes	20%	9%	24%
No	80%	91%	76%
Ethnic minority			
Yes	74%	-	100%
No	26%	100%	-
Sexual orientation			
Heterosexual	90%	81%	93%
Gay/Lesbian	5%	13%	3%
Bisexual	2%	4%	2%
Age range			
25-34	12%	6%	13%
35-44	33%	25%	37%
45-54	34%	42%	30%
55-64	17%	24%	15%
65+	4%	3%	4%



The **ACC Foundation** is a 501(c)(3) non-profit organization which supports the effort of the Association of Corporate Counsel, serving the needs of the in-house bar through the dissemination of research and surveys, leadership and professional development opportunities, and support of diversity and pro-bono initiatives. The ACC Foundation partners with corporations, law firms, legal service providers and bar associations to assist in the furtherance of these goals.

For more information on ACCF, visit our website: <https://www.acc-foundation.com/about-acc> or contact Jennifer Chen at [j.chen@acc.com](mailto:j.chen@acc.com).



Founded in January 2006, the **Association of Law Firm Diversity Professionals (ALFDP)** is a not-for-profit association of law firm professionals working in the area of diversity and inclusion.

ALFDP's mission is to act as a catalyst for the advancement of diversity and inclusion in the legal profession through our collective knowledge, vision, expertise and advocacy in the arena of law firm diversity. As a collaborative organization, we work towards the common goals of advancing diversity and inclusion within our own organizations and within the legal profession as a whole by sharing important information and experiences, and learning from one another.

For more information, visit the ALFDP web site: <https://alfdp.com/> or contact Lia Dorsey, President of ALFDP at [lia.dorsey@ogletree.com](mailto:lia.dorsey@ogletree.com).

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