

**ASIAN PACIFIC AMERICAN BAR ASSOCIATION
RECENT TRAILBLAZERS IN THE LAW 2022**

Written Materials

Asian Pacific American Bar Association of Los Angeles

Virtual MCLE-Qualified Program

Tuesday, December 6, 2022 6:00 – 7:00 p.m. PT

*This event is certified for 1.0 elimination of bias MCLE credit.
APABA is a California State Bar approved MCLE provider.*

Materials

- Jeremy Fogel, Mary Hoopes and Goodwin Liu, Law Clerk Selection and Diversity: Insights from Fifty Sitting Judges of the Federal Courts of Appeals (November 30, 2022), https://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID4290102_code3149276.pdf?abstractid=4290102&mirid=1.
 - Abstract Excerpt: “Judicial clerkships are key positions of responsibility and coveted opportunities for career advancement. Commentators have noted that the demographics of law clerks do not align with the student population by law school, socioeconomic background, gender, race, or ethnicity, and that ideological matching is prevalent between judges and their clerks. But extant studies draw on limited data and offer little visibility into how judges actually select clerks. For this study, we conducted in-depth individual interviews with fifty active judges of the federal courts of appeals to learn how they approach law clerk selection and diversity. Our sample, though not fully representative of the judiciary, includes judges from all circuits, appointed by Presidents of both parties, with average tenure of fourteen years. The confidential interviews, which drew in part upon the peer relationship that two of us have with fellow judges, yielded rich and candid insights not captured by prior surveys.”
- Eric Chung, et al., *A Portrait of Asian Americans in the Law* (2017).
 - Excerpt: “Over the past three decades, Asian Americans have dramatically increased their presence in the legal profession. In 1983, there were around 2,000 Asian American and Pacific Islander students enrolled across all ABA-accredited law schools, comprising less than 2% of total enrollment. By the mid-2000s, Asian American and Pacific Islander enrollment had increased more than five-fold to over 11,000 students. The number of Asian American lawyers has more than doubled since the year 2000. There are now over 53,000 lawyers who are Asian American, comprising 4.7% of all lawyers in America. The number of Asian American lawyers will keep growing for at least another decade as the size of the cohorts coming into the profession continues to exceed the size of the cohorts aging out. Although the American Bar Association and other groups regularly publish data on diversity in the legal profession, there has not yet been a comprehensive study of the career paths of Asian American law students and lawyers. Perhaps the closest effort is the wide-ranging longitudinal study, *After the JD*, which examines the career paths of a national cohort of nearly 4,000 lawyers, including more than 200 Asian Americans. Building on that study and others, this project—*A Portrait of Asian Americans in the Law* (the Portrait Project)—is an initial effort toward a systematic understanding of how Asian Americans are situated in the legal profession. We aim to describe the rise of Asian Americans in the law as well as the incentives and choices that influence their career paths. This information is intended to provide an empirical

grounding for broader conversation within and beyond the Asian American community about the unique challenges and opportunities Asian Americans face in the legal profession and possible directions for reform.”

- Alicia Bannon and Amanda Powers, *State Supreme Court Diversity — May 2022 Update*, BRENNAN CENTER FOR JUSTICE, May 20, 2022 (last updated May 25, 2022), <https://www.brennancenter.org/our-work/research-reports/state-supreme-court-diversity-may-2022-update>.
 - “In July 2019, the Brennan Center for Justice published *State Supreme Court Diversity*, which detailed stark racial, ethnic, and gender disparities on state high courts across the country, drawing on more than 60 years of data. This analysis includes new data on the composition of state supreme courts as of May 18, 2022, with updated information on justices’ demographic and professional backgrounds. This report was updated in May 2022, April 2021, and February 2020.”
- Alicia Bannon and Douglas Keith, *What Research Shows About the Importance of Supreme Court Diversity*, BRENNAN CENTER FOR JUSTICE, February 1, 2022, <https://www.brennancenter.org/our-work/analysis-opinion/what-research-shows-about-importance-supreme-court-diversity>.
 - An analytical piece by the Brennan Center for Justice on the impact of Supreme Court Diversity.
- Deeva Shah and Greg Washington, *Beyond Symbolism: Accepting the Substantive Value of Diversity in Law Clerk Hiring*, 97 *Notre Dame L. Rev.* 317 (2022).
 - Abstract Excerpt: “Over time, the voices in [the chambers of federal appellate judges] remain increasingly white. In 2006, 74.5% of law clerks were white. In 2019—the most recent data available—that percentage grew to 79%. Given that white students only comprised 62% of law students in 2019, white people are actually overrepresented among law clerks compared to the potential applicant pool. Despite the societal pressures to make our institutions more representative of the American population, including through an increasingly diverse judiciary, judges are hiring fewer diverse clerks. And it is important to ask why.”

Additional Reading:

- Alicia Bannon, *Judicial Diversity Is Not Just Important on the Supreme Court*, BRENNAN CENTER FOR JUSTICE, March 10, 2022, <https://www.brennancenter.org/our-work/analysis-opinion/judicial-diversity-not-just-important-supreme-court>.
- Erik Ortiz, Clerkships remain largely white. Can law students of color shake up the status quo?, NBC NEWS, July 4, 2021, <https://www.nbcnews.com/news/us-news/clerkships-remain-largely-white-can-law-students-color-shake-status-n1272973>.