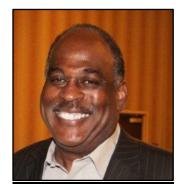
State Bar of New Mexico The Status of Minority Attorneys in New Mexico Report



2009-2019

American <a>Decisions</a>

# IN MEMORY OF RAYMOND HAMILTON, ESQ.



The State Bar of New Mexico's Committee on Diversity in the Legal Profession's 2019 Report on the Status of Minority Attorneys in New Mexico is dedicated to the late Raymond Hamilton.

Mr. Hamilton spent his life amplifying the voices of people of color and diversifying the practice of law. While attending UNM as an undergraduate, he helped form the Black Student Union (BSU). He was elected to student government and pushed the university to fund not just the Black Student Union, but the United Mexican American Students, and the Kiva Club. These organizations helped establish the first three ethnic studies programs at UNM: Africana Studies, Chicana/Chicano Studies, and Native American Studies.

When Mr. Hamilton returned to New Mexico after graduating from Harvard Law School, he picked up right where he left off. In 1982, he founded the New Mexico Black Lawyers Association (NMBLA) along with fellow attorneys Hannah Best and Tommy Jewell. That organization was the first of its kind in New Mexico; it was specifically geared to address the needs of African-American attorneys in the state. Mr. Hamilton served on the NMBLA Board year after year, all while mentoring countless law students and attorneys along the way. He helped new graduates with bar exam preparation, personally welcomed black attorneys who moved to New Mexico, and encouraged attorneys of color to assume leadership positions in the Bar and the judiciary. He was an active participant in many other legal groups, including the National Bar Association, the Board of Bar Examiners, the Board of Bar Commissioners, and the Disciplinary Board. With every Committee he joined, with every organization he created, his goal was always to make a way for the next generation of attorneys of color.

Mr. Hamilton also trailblazed a path for other Black attorneys to follow. He became the first Black Assistant U.S. Attorney, as well as the first Black Civil Division Chief in the District of New Mexico. He ensured that many students had the opportunity to clerk at the U.S. Attorney's Office and advocated for the hiring of Black lawyers in both the civil and criminal divisions of the office for 30 years. Due to his professional reputation and relationships, he was also able to advocate for the hiring of lawyers of color throughout the state in both public and private sectors. There are generations of lawyers who attribute their professional success to Mr. Hamilton being willing to open doors for them.

It is fitting that the Committee on Diversity is dedicating its Survey on "Minorities in the Legal Profession" to Raymond Hamilton. He provided both historical information and his own personal knowledge and experiences to support the information and recommendations contained in each of the three decennial reports released in 1990, 1999, and 2009. For over 30 years, Mr. Hamilton provided his insight into the challenges that minority attorneys have faced and have fought hard to overcome in the legal profession. He continued to do so up until his passing. We are indebted to him for making our Bar more diverse, being a mentor to many, and in doing so, making our justice system fairer and more equal for all.

### **INTRODUCTION FROM COMMITTEE ON DIVERSITY CO-CHAIRS**

This report on the Status of Minority Attorneys in New Mexico is completed at a poignant moment in American history. Following the police killing of George Floyd in Minneapolis, there has been a resurgence of activism and dialogue concerning police brutality, systemic racism and longstanding inequality for people of color. Lawyers, in particular, play a crucial role in our country's justice system and are uniquely positioned as advocates to make a difference. Yet, the legal profession as a whole has struggled to achieve diversity in its own demographics, routinely being named as one of the least diverse professions in the nation.

Here, in New Mexico, which is a "majority minority state," the statistics for diverse attorneys are better, but the New Mexico Bar has yet to reach the diversity of New Mexico's population. This 2019 Report on the Status of Minority Attorneys in New Mexico is an effort to cast light on the state of diversity and inclusion in the New Mexico bar by reviewing 40 years of survey data, compiling the most recent set of survey data, and delving into the themes that emerged from the data through multiple focus groups. Based on these themes, we conclude this report by offering three categories of recommendations: (1) Fighting Discrimination and Increasing Awareness; (2) Increasing Diversity; and (3) Fostering Inclusivity.

To provide some history about this report, beginning in 1988, the State Bar of New Mexico's Committee on Diversity in the Legal Profession has undertaken a decennial study to assess the status of lawyers of color and other diverse attorneys in the New Mexico bar. The State Bar's foresight to begin collecting this important data provides us with 40 years of information on diversity that allows our Committee to look back and see how far our bar has come, while also recognizing that there is still critically important work to do.

This year's report represents the first-ever joint effort by the State Bar's Committee on Diversity in the Legal Profession and the State Bar's Committee on Women and the Legal Profession to study diversity and inclusion issues facing lawyers of color, LGBTQ attorneys, attorneys with disabilities and women attorneys, specifically. This effort would not have been possible without additional financial support from the New Mexico Supreme Court, and we thank the Court for its contribution to this critical study.

The Committee on Diversity's decennial report has always studied the experience of women attorneys in New Mexico, and this year is no exception. Indeed, as you will see, there are a number of significant findings addressed in this report pertaining to women of color attorneys. We encourage you to also read the separate, comprehensive report from the Committee on Women that covers more broadly the issues facing women attorneys in New Mexico. The Committee on Women's report includes its own recommendations, and in support of those efforts, this report does not include recommendations covering women attorneys aside from recommendations concerning women of color.

While this report was being completed, and in response to the racial justice movement that has swept our country, the New Mexico Supreme Court established a Commission on Equity and Justice. In establishing the Commission, the Court announced: "Let our actions today reinforce our commitment to the words we hold sacred. The New Mexico Judiciary is firmly dedicated to the administration of equal justice under the law." The Commission will evaluate ways to improve New Mexico's judicial system and diversify our state's judiciary. The Committee on Diversity applauds the Court's efforts to address systemic inequities, and our Committee pledges its assistance to the Court in achieving the Commission's and the Committee's common goals.

The Committee on Diversity thanks the State Bar of New Mexico for its continued commitment to this Committee's work and to this report. The Committee on Diversity also extends its deep gratitude to Gabe Sanchez, PhD, and his team at American Decisions, for their tremendous work in compiling this data and the findings for this report. The Committee also thanks the members of its Data Subcommittee, and specifically, John Greacen, the chair of that subcommittee, for his contributions.

As you will see, this report reflects progress in the last 40 years, and even in the last 10 years, for diverse attorneys in some areas, but a conclusive need for action in other areas. In some areas, the need for action is immediate. We are thankful to be part of a bar that allows us to examine these issues so that we are aware of these areas of concern, including areas that caught us by surprise. This survey gives us the tools we need to make informed recommendations and to take action. This is work that requires the effort of every member of the New Mexico bar, not just diverse attorneys. The racial justice movement has seen an outpouring of support from people of all races, and some of you may be among those who wondered how to support the fight against systemic inequality. If so, then we urge you to read this report, self-reflect and get involved. This is an open invitation to make your bar a better, more inclusive place, for *all* of its members.

Denise M. Chanez Co-Chair, Committee on Diversity Leon F. Howard, III Co-Chair, Committee on Diversity

### **PROJECT OVERVIEW AND METHODOLOGY**

American Decisions conducted a comprehensive analysis of the membership of the State Bar of New Mexico (hereinafter referred to as the "State Bar") with a specific focus on whether the experiences of the bar's membership differ based on gender, race, ethnicity, sexual preference or other aspect of identity. The overall research design included a random survey of 1,564 state bar members drawn from a representative file of 10,068 active or retired members, yielding an overall response rate of 15.5%.<sup>1</sup> The survey was conducted between July 26 and September 6, 2019 and took an average of 20 minutes to complete. The survey was conducted on-line and was available in English or Spanish, and carries a  $\pm$ -2.5% margin of error. The full topline results of the survey are included in the appendix.

The large sample size allows for comparisons to be made across the most prominent subgroups of the bar's membership, and in some cases, inter-sectional analysis among subpopulations. This included analysis of women of color, a community who have distinct experiences from both white women and men of color. Topline results isolating women, Latinas, and other women of color are available in the appendix.

The data were weighted to match the demographic distributions of the overall member population so the results reflect the overall membership in regard to gender, race, and region. For example, below is the distribution of racial and ethnic composition of members of the State Bar of New Mexico as defined by the full database of members maintained by the State Bar, alongside the distribution of participants in the survey based on their self-reported race or ethnicity.

The database of active or retired members includes demographic information about members of the bar that are referenced in our report. The database of members suggests that the survey sample prior to weighting was pretty close to the distribution of the membership database across key demographic factors (see table below).

New Mexico Bar Demographic Data						
	Bar Database	2019 Survey				
Age						
Under 34	11.5%	12%				
35-44	21.4%	25%				
45-54	20.4%	20%				
55-64	21.8%	23%				
65 +	24.8%	20%				
Race/Ethnicity						
Non-Hispanic White	51.0%	53%				
Non-Hispanic Minority	8.5%	10%				

<sup>&</sup>lt;sup>1</sup> We utilized an invitation memo provided by the state's Chief Justice stressing the importance of this study and outreach conducted during the State Bar of New Mexico's state-wide meeting to help with participation in the study.

Hispanic	14.2%	19%
Regions		
Metro	38.2%	48%
North	15.7%	22%
South	8.5%	18%
Outside NM	34.9%	12%
Gender		
Male	5,938 (59%)	49%
Female	4,090 (40.6%)	51%
Sexual Orientation		
LGBT	273 (2.7%)	5%
Practice Type		
Corporate	123 (1.2%)	1%
Government	2,000 (20%)	32%
Legal Service Org	150 (1.5%)	3%
Other	93 (0.1%)	1%
Private	7,762 (77%)	65%

The sample varied from the overall demographics only in regard to gender and region. Consistent with the general pattern in survey research that suggests female Americans are more likely to respond, we had a slightly higher share of female respondents than their share of the overall membership. As for region, the sample yielded a much smaller percentage of out-of-state members than the membership database. The out-of-state oversample was based on a strategic decision from the committees who commissioned this research report and our research team to focus our research primarily on lawyers who live and work in New Mexico. Although we included out-of-state participants who work primarily in New Mexico, we excluded participants for whom New Mexico represents a small component of their overall workload. We believe that approach led to the report's ability to speak to the range of Bar members' experiences members in New Mexico.

Although this is not a cohort survey where the respondents from the 2009 survey are repolled, to compare the new results with the 2009 survey we included several questions worded either identically or very closely to the language used in 2009. At relevant points in the report, we note important differences between the two surveys that suggest important shifts in the experiences and attitudes of State Bar of New Mexico members over the past decade.

Following the survey, American Decisions conducted five focus groups with members of the State Bar of New Mexico to explore themes that emerged from the survey and address any gaps in the populations covered in the survey's sample. Two online focus groups were conducted so rural members could participate without having to drive a significant distance. The lead facilitator was chosen to reflect the primary demographic profile of the focus group to improve trust between the research team and the focus group participants. The focus groups' responses were professionally transcribed prior to analysis.

The four groups had the following characteristics:

- Focus group participants were recruited from a database of all active members of the State Bar of New Mexico through live phone calls and emails and were screened to meet the target audiences of female members, and members from the Native American, Asian American and African American communities.
- Groups were facilitated by professional moderators with deep experience in the content area and in facilitation.
- The groups were approximately 2 hours in length and contained 6 to 8 participants in each group, with a total of 28 participants across all sessions. The groups were designed to ensure that the voice of some of the sub-groups within New Mexico's legal community were included in the report, including the Asian American, Native American, and African American communities. See the appendix for a summary of the focus group participants.

This year's diversity report represents a formal partnership between the <u>Committee on</u> <u>Diversity in the Legal Profession</u> and the <u>Committee on Women in the Legal Profession</u>. Our research team worked closely with leadership of both committees to ensure that our research design and analysis met the goals of both organizations. This approach led to a more comprehensive research project that resulted in the production of two separate but complimentary reports. The first focuses on all aspects of diversity covered in our research, and the second dives deeper into differences in the experiences of Bar members based on gender.

# MAJOR THEMES THAT EMERGED FROM THE DATA

Before walking through all of the results from the survey and focus groups, we highlight a few overarching themes that will be highlighted throughout the report.

# Women of Color in New Mexico's Legal Community Face Unusual Challenges

Intersectionality theory suggests that social categories such as race, gender, and class act as interlocking systems of oppression that work together to produce inequality. The intersection of social positions with group membership produces unique social identities stemming from shared experiences associated with discrimination and inequalities (Crenshaw 1994, 2005; Collins 1990; Mullings 1997). As social scientists we utilized this framework for our analysis to improve our understanding of members of the bar who may have overlapping experiences based on race and gender.

The survey revealed that the combined impact of race and gender provides significant obstacles for women of color in the state. Latinas, for example, were more likely than both Latino males and women from other racial backgrounds to report unfair treatment or discrimination. Furthermore, women of color from all non-white racial backgrounds are more likely to be mistaken for a paralegal, administrative, or custodial staff-person than not only men, but also white women.

# Hispanic/Latino Members of the Bar Appear to have Experiences More Similar to Whites Than Other Racial and Ethnic Minorities

Hispanics and Whites report nearly identical experiences with discrimination (37% and 36% respectively), nearly ten percentage points lower than respondents from other racial groups. This trend is particularly robust when we look at survey questions that allow for comparisons to be made over time.

An underlying explanation for this trend is that Hispanic Americans are not defined as a racial group in the United States, but an ethnic group. Consequently, Hispanic respondents can define themselves with whatever race of their choosing, including White. According to the 2010 Census, roughly 53% of all Latinos in the United States defined themselves as White when asked to provide a racial designation, compared to nearly 37% who chose "some other race." In New Mexico, a slightly higher percentage of Latinos defined themselves as White (60%), whereas 32% chose "some other race." Furthermore, Census data on racial identification suggest that a large percentage of Latinos changed their racial identification from some other race to White between 2000 to 2010, confirming the gradual self-assimilation over time among Hispanic Americans.<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> <u>https://www.nytimes.com/2014/05/22/upshot/more-hispanics-declaring-themselves-white.html</u>

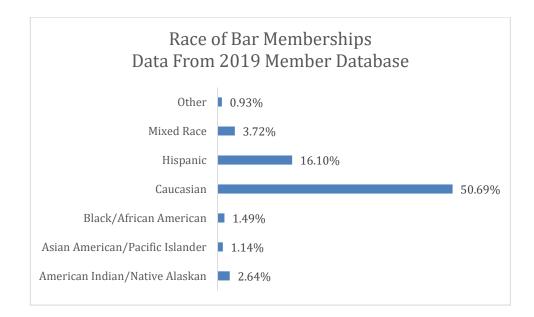
	United	d States	New	New Mexico	
Hispanic or Latino origin and race	Number	Percent	Number	Percent	
Total Hispanic or Latino	50,477,594	100	953,403	100	
Race					
One Race					
White	26,735,713	53	574,066	60	
Black or African American	1,243,471	2.5	7,088	0.7	
American Indian and Alaska	685,150	1.4	17,854	1.9	
Native					
Asian	209,128	0.4	1,903	0.2	
Native Hawaiian and Other	58,437	0.1	564	.06	
Pacific Islander					
Some Other Race	18,503,103	36.7	304,753	32	
Two or more Races	3,042,592	6	47,175	4	

Census Population by Hispanic or Latino Origin and Race: 2010

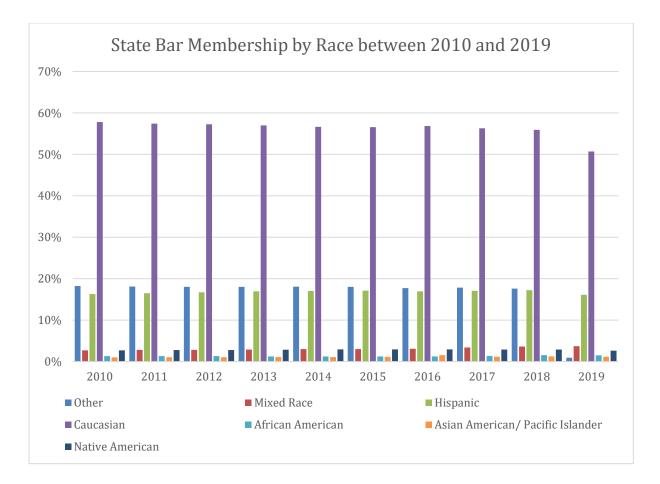
# **RESULTS FROM STATE BAR OF NEW MEXICO DEMOGRAPHIC DATA, MEMBER SURVEY, AND FOCUS GROUPS**

# Demographic Profile of Attorneys in New Mexico- Steady Increase in Gender Representation Over Time

The percentage of racial and ethnic minorities and women within the State Bar of New Mexico is an important indicator of equity in the legal profession. The State Bar of New Mexico tracks the race of its membership, and the percentages below reflect the distribution for 2019. As depicted in the figure below, 50% of Bar members self-identify as Caucasian or white, compared to 16% of the Bar who are Hispanic (down from 18% in 2009), which is the second largest racial and ethnic group in the state. Native American lawyers comprise less than 3% of all members, with less than 2% for African American or Asian American/Pacific Islander attorneys. National data suggest that Latino and African Americans members are roughly 5% of the overall national Bar membership, Asian Americans at 2% and Native Americans are 1%.<sup>3</sup> While the percent of Hispanic Bar members has slightly decreased since 2009, non-Hispanic minorities have doubled in their ration from 5% to 10% over the last decade.



<sup>&</sup>lt;sup>3</sup> https://www.americanbar.org/groups/litigation/committees/jiop/articles/2018/diversity-and-inclusion-in-the-law-challenges-and-initiatives/

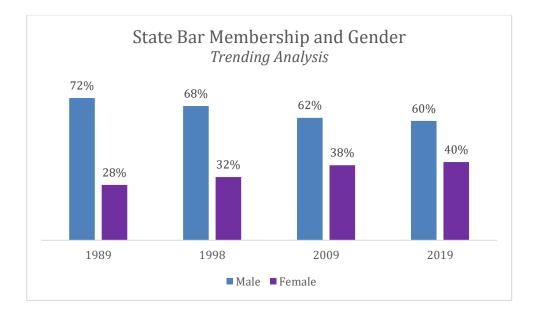


The state Bar's share of female members increased the most (+6%) between 1998 and 2009.<sup>4</sup> However, the 2019 data show that growth has slowed. In the past 10 years the proportion of women attorneys in New Mexico has only grown by 2% to reach a high of 40% in 2019. For some context, 36% of active attorneys in the American Bar Association's national population survey are women.<sup>5</sup> Despite the recent slowdown, New Mexico remains more diverse based on gender representation than the national average.

<sup>&</sup>lt;sup>4</sup> *Report: The Status of Minority Attorneys in New Mexico—An Update 1999-2009.* The 2009 and 1989 reports can be reviewed and downloaded at

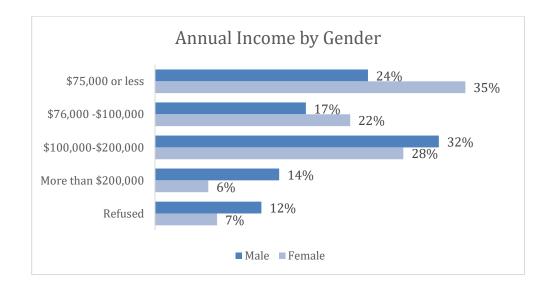
https://www.nmbar.org/Nmstatebar/Publications\_\_\_Resources/Status\_of\_Minority\_Attorneys\_in\_N M.aspx?WebsiteKey=687d8cd9-4ff9-4f83-a12f-6657211dab17

<sup>&</sup>lt;sup>5</sup> https://www.americanbar.org/content/dam/aba/administrative/market\_research/national-lawyer-population-demographics-2009-2019.pdf



#### Inequality in Income Based on Gender and Race

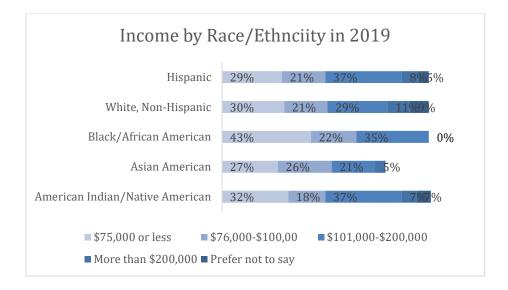
The survey's income data offer an opportunity to explore inequalities based on race and gender. As depicted in the figure below, there is a clear gender gap in reported salaries. Women are more likely than men (+11%) to report that they make \$75,000 or less, and less likely (-11%) to report that they make more than \$100,000 annually. When we look closer at the highest earners, men (14%) are more than twice as likely to report that they make \$200,000 or more than women (6%).



Although White female attorneys actually earn less annually (\$75,543) than do Latinas (\$83,037), making Latinas the highest paid racial and ethnic group among women. Non-Hispanic minority women report the lowest average annual salary (\$71,500). The nearly \$12,000 gap between Latinas and women of color from other backgrounds is an early

indicator that women from racial groups who are small in number in the state, including Asian American and Native American, may face obstacles unique to their demographic background.

There are also significant differences in income based on race and ethnicity. African Americans appear to face the most glaring inequalities based on income. African American Bar members are much more likely (+13) than White members to report making \$75,000 or less, and are the racial group most likely to make \$75,000 or less. Conversely, no African American lawyers make more than \$200,000 annually compared to 11% for Whites, 8% for Hispanics, and 7% among Native American members of the Bar.

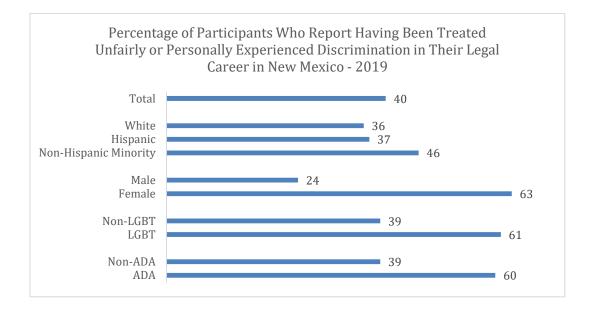


# Differing Perspectives of State Bar Members on Racial and Ethnic Fairness in the Legal System and the Consequences Associated with Experiences of Discrimination

# Unfair Treatment and Discrimination

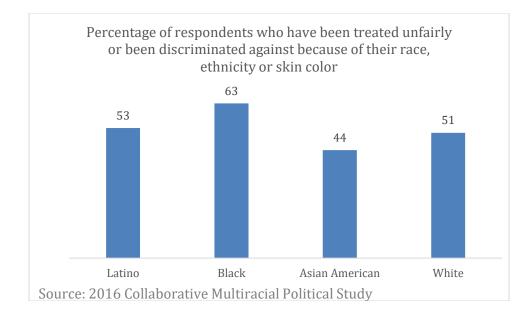
The experiences and attitudes of Bar members are influenced by their racial or ethnic group. Respondents were asked about their experiences with discrimination across the legal system, the potential consequences associated with those experiences, and perceived inequities in the judicial system.

Fully 40% of Bar members report having experienced discrimination in their legal career. As depicted in the table below, solid majorities of Bar members from the LGBTQ (61%) and ADA (60%) communities report facing unfair treatment or discrimination in their legal careers in New Mexico respectively. Given their distinctly different experiences, this finding suggests these communities require further attention.



Unfair treatment is also a much more common experience among members of the Bar from the Asian American, African American, and Native American communities. Nearly half of these members report having been treated unfairly or personally experienced discrimination, a share significantly higher than not only white respondents, but Hispanic as well. We group these three communities into the category of "Non-Hispanic Minority" in our analysis due to the sample size of these three groups not allowing for analysis of each group independently.

These findings are consistent with the national research focused on racial variation in public opinion and discrimination experiences. For example, the 2016 national Collaborative Multiracial Political Study asked respondents how much discrimination they believed each major racial or ethnic group faced in society. As reflected in the figure below, African Americans are the group most likely to report experiences with discrimination among the overall population (63%), and the Asian American population reported the lowest levels of discrimination experiences in this survey. Interestingly, and similar to results for Bar members in New Mexico, rates of reported discrimination are nearly identical for Hispanics/Latinos and Whites.



Three focus groups were conducted to examine in more detail the discriminatory experiences of racial and ethnic minorities. To initiate discussion, focus group participants were shown the results of the survey. In general, participants confirmed that they had experienced unfair or discriminatory treatment in their own careers here in the state. One common theme across participants from these sessions was a perception that while overt racism was not always a problem to overcome, subtler forms of discrimination were, including the belief that they were sometimes excluded because of their race from many formal or informal discussions within their firm or workplace. Respondents believe that achieving real diversity requires a fully inclusive workplace. The quotes below reflect this prevailing theme:

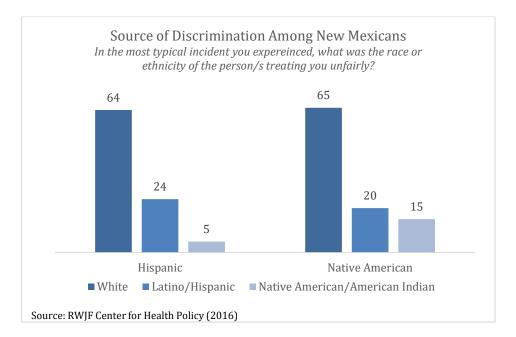
"I would say that there would be some instances where, for whatever reason, I'm not brought into the fold. I'm not part of the important discussions happening, and I don't know why. I don't know if it's because I'm a woman, if it's because I'm older, but more often than not I believe it's because of my race. I still try to think my merit or if I show action, that therefore I can participate or be part of the big picture discussions in my firm." It's almost like, "OK, let's be diverse," but there's no inclusion, and I think that's kind of key. It's the inclusion part." -Native American female respondent

Consistent with national research among Native Americans—a relatively small segment of the legal profession—multiple Native American respondents noted that the discrimination they faced was in their view a result of not being large in numbers in the state. The national research on Native American lawyers also confirms they often feel somewhat invisible within the profession because of their relatively small numbers.

Another important insight to emerge is that discrimination experiences do not always entail White offenders. In fact, national research conducted by the Native American Bar Association suggests that many Native American lawyers report being treated unfairly by other racial and ethnic minorities.<sup>6</sup> Consider this statement from a Native American female focus group member:

"I have experienced discrimination by other men and women of color particularly Hispanics. Two of the most helpful individuals in my law career have been white males. I have been contracted to work by a fellow Native and the leadership was not given to me."

There is evidence from national research that discrimination does not always have Whites as the source, with groups sometimes discriminating against members of their own community.<sup>7</sup> Specific to New Mexico, as reflected in the figure below, we have identified that a sizable segment of New Mexicans who face discrimination report that in their most recent experience the discrimination agent was another racial and ethnic minority, and in some cases, someone from his or her own racial group. Although this dynamic is hardly unique to the legal profession, the State Bar of New Mexico should consider its prevalence in the pursuit of insights and strategies to reduce workplace discrimination.



Multiple focus groups focused on non-Hispanic minority legal communities across the state. Unfortunately, these members often feel discriminated against by Hispanic members of the Bar. The quotes below reflect the experiences of these members:

"There is discrimination by Hispanics against non-Hispanics."

<sup>&</sup>lt;sup>6</sup> <u>https://www.nativeamericanbar.org/wp-content/uploads/2014/01/2015-02-11-</u> <u>NNABA\_execSummary\_6.pdf</u>

<sup>&</sup>lt;sup>7</sup> See for example: <u>https://journals.sagepub.com/doi/full/10.1177/2332649215624237</u>

"We didn't address who's getting selected to be on the bench. We want those on the bench to be reflected in our community make-up. I never see a Native American face. It's very political and Hispanic lawyers have a clear advantage in power."

"Hispanic people are NOT disadvantaged in New Mexico, especially in the legal community. The State Bar should stop pretending that Hispanic people are disadvantaged and should instead acknowledge that Hispanic people actually have some advantages due to in-group preferences."

Finally, although we generally view discrimination as a challenge that uniquely impacts racial and ethnic minorities, researchers have identified the growing number of non-Hispanic white Americans who also report perceptions of discrimination. Social scientists have identified perceptions of reverse discrimination to often be triggered by a perception of changing demographics that heighten a concern that whites may face grater discrimination as they begin to become a smaller portion of the overall population.<sup>8</sup> Given the majority-minority status of New Mexico, we were not surprised to find evidence of reverse discrimination in our data. Below are a few quotes that reflects the sentiments of some white members of the Bar who may recognize that they do not face the same challenges of non-white members of the Bar, but also feel they face similar challenges:

"As a white male practicing in New Mexico, I realize that I do not have to endure much of the discrimination that others do, both in life and in my profession. But I have, in my opinion, been treated unfairly by judges, particularly in Northern New Mexico, because I am a gringo. That does happen and should also be of concern to the Bar."

"You are missing the point on discrimination. The one who is being overlooked in favor of "diversity" is the straight white guy. Window dressing is filled with less qualified applicants/attorneys. Just stop with the "victim" approach. Be color, race, gender and sex orientation blind. Your survey has presumed white, straight guys aren't discriminated against. Sick of it. Please stop. Advance on merit not victimhood. We are doomed."

"If anything, I think preferential treatment is provided to the types of minorities discussed in this survey."

"The State Bar's performance in this area seems to me to be commensurate with Principle. Preferential treatment of any member of the community, whether by race, ethnicity, gender, creed or sexual identity / orientation would be a violation of integrity and would also constitute a form of 'reverse discrimination' that is as unacceptable as discrimination. An idealistic view, perhaps, but the goal needs to be set before it can be achieved."

<sup>&</sup>lt;sup>8</sup> See for example: <u>https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5617190/</u>

"I think, in my personal opinion, that it has come to the point in this State where is it more difficult to succeed if you are a middleclass white male, no scholarships, no help, constantly under attack by the leadership of this state. In NM it is detrimental to be a white, middle class male."

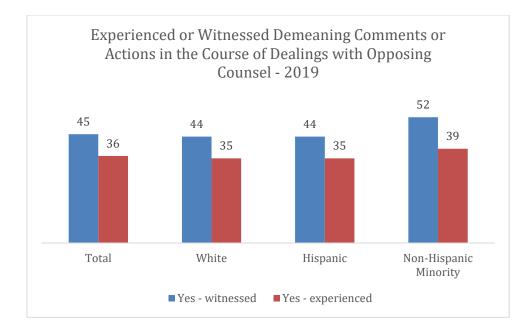
"The bias of this survey supports my experience that white males are the subject of discrimination in NM."

### Experiences with Demeaning Comments or Actions

In addition to the general experiences with discrimination or unfair treatment, the survey also included a battery of questions focused on the more specific context in which discrimination occurs for members of the State Bar of New Mexico. These questions were designed to not only measure the direct experiences members have with unfair treatment, but also the wider contexts within which discrimination occurs. The survey also asks respondents who indicate that they have faced discriminatory treatment why they felt that this happened to them, and to identify the persons who discriminated against them. Because we know respondents' race, ethnicity and gender, we can determine the patterns of race- or gender-based discrimination.

Discrimination in the workplace is a pervasive and on-going problem that tends to be more common for minority employees<sup>9</sup>. As depicted in the figures below, 36% of members of the State Bar of New Mexico report having personally experienced discrimination from opposing counsel, including demeaning comments or actions. Furthermore, 45% of the sample reported that they witnessed demeaning comments or actions directed at someone else (see figure below). Responses to this item were highly consistent across race and ethnicity, with the exception of non-Hispanic minority members of the Bar being more likely to report witnessing demeaning comments or actions from opposing counsel.

<sup>9</sup> https://pubmed.ncbi.nlm.nih.gov/16551193/



When asked about the most recent experience in which they were treated unfairly by opposing counsel, 21% of respondents who reported discrimination thought it was based on their racial or ethnic background. This has increased since 2009, when only 14% of Bar members experienced discriminatory actions by opposing counsel based on racial or ethnic background.

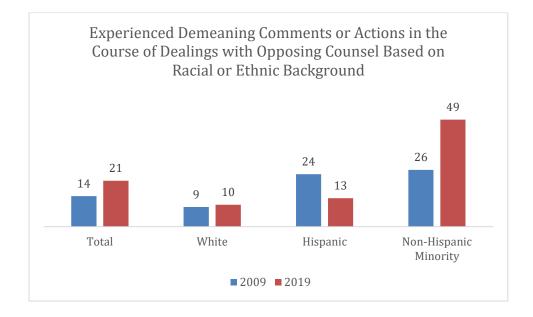
Discrimination experiences varied based on the race or ethnicity of the respondent. Most prominently, non-Hispanic minority respondents were more likely to experience demeaning comments or actions from opposing counsel, and much more likely to interpret that this experience was a result of their racial or ethnic background. Since 2009, the rate has nearly doubled for Non-Hispanic Minority members (26% to 49%) and decreased for Hispanic members (24% to 13%).<sup>10</sup>

As for gender differences, female Bar members have far more negative interactions with opposing counsel. Roughly 39% of male Bar members report having witnessed demeaning comments or actions in the course of dealings with opposing counsel, while a smaller percentage (24%) report having experienced such actions themselves. Female members were far more likely to have witnessed discrimination (55%) and twice as likely to have personally experienced offensive behavior compared to their male colleagues (53%).

Furthermore, when female respondents were asked why they felt treated unfairly by opposing counsel, the overwhelming majority (83%) reported cited their gender, compared to 15% who said they felt it was due to their racial or ethnic background. However, an intersectional analysis of the data shows that Latinas and other women of color were more likely to believe that their experiences were a result of both their gender

<sup>&</sup>lt;sup>10</sup> It should be noted that in the 2009 study, this question asked about experiences within the last 5 years, whereas the current study asked respondents to reflect on their most recent experience and were given the option to state other reasons for why they believed they were discriminated against.

*and* their racial or ethnic background: 32% of Latinas and 39% of other women of color indicated race or ethnicity was relevant, despite the fact that their gendered experiences were similar to women overall.<sup>11</sup>



Bar members who indicated they had directly experienced demeaning comments or actions from opposing counsel were then asked if they had taken notice of the race and gender of the person who they had this negative interaction with in their most recent experience with opposing counsel. Among the 36% of Bar members who reported demeaning comments or actions from opposing counsel, 64% said the demeaning comments or actions came from someone who was White, followed by 19% who said the offender was Hispanic or Latino, and 15% who did not know the race or ethnic origin of the opposing counsel who had made the comments or actions. These numbers reinforce the earlier point about the complicated nature of unfair treatment, namely, that not all actions perceived to be discriminatory involve White offenders and non-White targets.

White and Hispanic members report similar offender percentages: Their most recent negative experience with opposing counsel came from a White person (58% and 59%, respectively). On the other hand, non-Hispanic minority members have clearly had different experiences. Fully 78% of that subgroup indicated that a White person from opposing counsel was the offender, only 9% identified a Hispanic or Latino offender, and 11% did not know the offender's ethnic background.

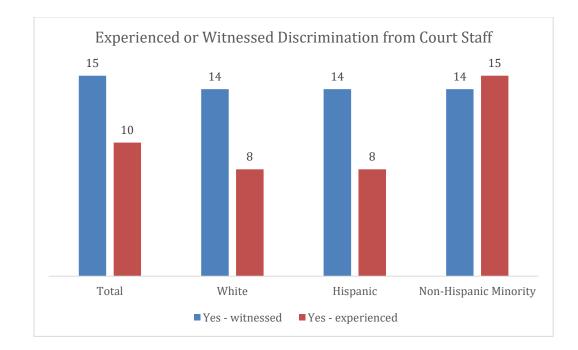
Finally, offending opposing counsels betrayed a clear gender pattern: They are men. The overwhelming majority of respondents who experienced demeaning comments or actions by opposing counsel said their most recent negative experience was with a male (78%), including 93% of women respondents.

<sup>&</sup>lt;sup>11</sup> Respondents could provide multiple reasons for this treatment so the overall percentages on this item equal greater than 100%.

### Experiences with Discrimination from Court Staff

Discrimination by court staff happens but is less common than negative experiences with opposing counsel. Overall, Bar members are less likely to report they directly experienced discrimination (10%) than to have *witnessed* (15%) discrimination by court staff during the course of their legal career in New Mexico. While both White and Hispanic members report similarly low rates (8% each) of direct experiences of discrimination from court staff, a greater percentage (15%) of non-Hispanic minority members say they experienced discrimination from court staff.

The pattern is similar for gender. Only 13% of male Bar members report having witnessed demeaning comments or actions from court staff, and only 7% have experienced discrimination directly. On the other hand, female members were more likely to have witnessed and experienced discrimination from court staff: 19% reported witnessing discrimination and 14% reported discriminatory actions or comments from court staff. The numbers are even higher among women of color, with 18% of Latinas reporting direct experience with discrimination from court staff, and 23% of women of color from other racial and ethnic backgrounds.



When asked which personal characteristic they believed might have caused them to be unfairly treated by court staff, those who experienced discrimination indicated four main characteristic: gender and gender identity (49%), racial background and ethnicity (37%), skin color (19%), and sexual orientation (9%). The perceived reason for discrimination by court staff varied significantly based on the identity of the respondent. For example, 54% of lesbian or gay respondents believed their sexual orientation was the basis for the discrimination they faced. Non-Hispanic minority members were twice as likely to say they experienced discrimination from court staff on the basis of their racial background/ ethnicity (65%) and skin color (40%) than were Hispanic (28% and 17%) and White members (20% and 12%) of the Bar.

	Court	nujj		
	Total	White	Hispanic	Non- Hispanic Minority
Racial background/Ethnicity	37	20	28	65
Skin Color	19	12	17	40
Gender/Gender Identity	49	54	50	31
Sexual Orientation/Sexuality	9	8	8	10

Basis of Discrimination among Respondents Who Have Experienced Discrimination from Court Staff

While only 10% of respondents indicated they had directly experienced discrimination from court staff, members were also asked to identify the racial background and gender of the person by whom they had been discriminated. Similar to reports of experiences with opposing counsel, a majority of respondents (52%) identified a White person as the source of their most recent discriminatory interaction with court staff, followed by 35% Hispanic or Latino. Interestingly, results did not differ greatly across racial groups, as 46% of White members, 45% of Hispanic, and 48% of other ethnic minority members said they had been discriminated by a White court staffer.

As for gender, 52% of respondents reported that they had experienced discrimination from a male who was part of court staff, compared to 39% who reported facing discrimination from a female. Female respondents, however, were more likely to report that the discrimination from court staff was a result of interaction with male staff (66% to 53%). However, the gender gap was not as wide as it was with co-counsel.

Compared to experiences of discrimination with opposing counsel, respondents are more likely to indicate having experienced discrimination from a Hispanic or Latino person who was part of court staff – a 16% difference. It is important to note, however, that reported instances of discrimination by court staff are considerably lower than those reported for opposing counsel, a likely byproduct of the demographic differences between staff and counsel.

The final question in this battery of items asked respondents who reported unfair treatment where that experience took place. By a wide margin, state courts were the most common location: 66% of respondents indicated state courts, compared to just 18% for federal courts, the second highest reported jurisdiction.

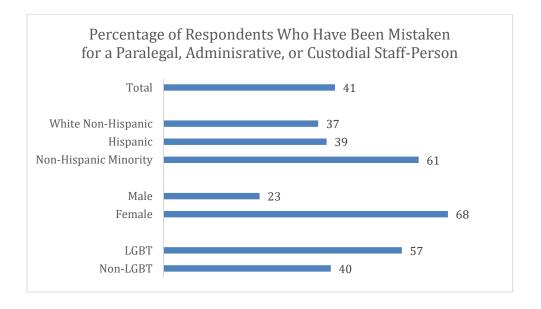
## Bar Members are Mistaken for Non-Attorneys and Asked to Perform non-Legal Tasks

Beyond unfair and discriminatory treatment, respondents were asked about more specific experiences, such as being mistaken for a staff member or being asked to perform administrative tasks. Unfortunately, this is quite common, and focus group results suggest these episodes are often the result of race, ethnicity, and gender.

Overall, 40% of all respondents report having been mistaken for a paralegal, administrative, or custodial staff person. Female Bar members were the most likely to report having been mistaken for another staff person (68%), followed by LGBT members (57%). While Hispanic members of the bar report similar rates of being mistaken for a non-lawyer as White members, the percentage is considerably higher among minority respondents from the Asian American, Native American, and African American communities (61%). When asked to expand on these experiences in the focus group setting, many suggested that it was due to the intersection of multiple identifiable characteristics such as race, age, gender, accent, and appearance.

"It happens that I get mistaken. If I don't wear a suit I look like a janitor. It's a default rule. Maybe I should dress better. I can't help but to think is it my hair or my outfit."

"I've had this happen my entire career. Opposing counsel always thought I worked in the law firm as an assistant. This didn't really happen if I was with another female attorney. But there was a presumption if I was with a man that I was an assistant. They would direct eye contact to the male. I chalk it up to, "maybe I look young".



Given how frequently Bar members are mis-identified, we dedicated a segment of the focus groups to this phenomenon. Focus group participants noted that, although misidentification is not often intentionally directed at racial or ethnic minority members of the Bar, they experience it more often than do White attorneys. The participants also said that while this might not seem like a major problem, the embarrassment and pain associated with mid-identification can be very damaging to attorneys. The frequency of mentions and the language used in quotes below confirm how salient—and damaging—this issue was to focus group participants:

"I am fortunate that I code white, so this has not happened to me, but I have seen it happen a lot to people in my office who are darker than I am. I work with another native attorney who codes, appearance wise, codes very much as a native person. He has worked in this building for a long, long, long time but when he came in on an off day in just regular shorts and t-shirt to get something. Security stopped him, was like, who is this homeless guy coming in? I remember having to tell security when they came in, is one of the attorneys at our firm. I have seen this happen many times, seems like when there's a brown guy walking in not in a suit into our office, security fails to see them as one of our staff attorneys."

"I thought, maybe I should dress better. Maybe I should wear something different, wear a suit or a better suit, then it occurred to me that it is not my responsibility to alert these people that I am not a receptionist, which that's hard a conversation to have with your boss and co-workers."

"Has it almost just become accepted or is it something that when it happens you feel something that causes you to say, this is structural, this should be changed? This should not happen to people."

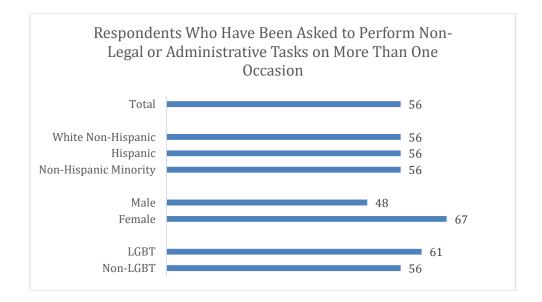
"I feel it every time. I feel it every time it happens but I can't engage in spending my energy engaging with someone over this every single time it happens. That's not a good use of my energy and we have to pick our battles. So while it affects me and I might spend a little time thinking about it, I can truly move on to try to get to my work and get to other things. But, of course, I am thinking about this issue when I wonder why I might not get a raise or get promoted. But what is it?

"Yes, when you put that up on the screen, I was like, totally. I have had this happen to me a lot in both a public and private firm I have worked in. And my paralegal was a white male. And I even had to carry my evidence box with me into court and they would still think he was the attorney. I think this is a female thing myself."

"I (don't ??) know if this really goes into it, but what's really difficult is when you work so hard to be an attorney and you pass that darn bar so you're a lawyer and other women who are paralegals or administrative assistants, or support staff treat you like that's what you are. And whether it's male of whatever color, Hispanic, Non-Hispanic, Indian, they're the lawyer and I just don't like women treating other women like that, that's so difficult."

"Let's not forget that this mistaken identity issue comes from women, too."

Similar to the numbers for being mistaken for a non-lawyer in the workplace, over half of all respondents report having been asked to perform non-legal or administrative tasks on more than one occasion during their legal careers in New Mexico. Interestingly, there was no major difference in being asked to perform these tasks by racial group. However, there is a serious gender gap: Female Bar members are far more likely to have experienced such actions (67% compared to 28% for males). There is also a small gap in sexual orientation, with LGBT (61%) Bar members more likely to be asked to perform these duties than non-LGBTQ respondents (56%).



# Differential Evaluation of Work Based on Race/Ethnicity

In addition to direct experiences with discriminatory comments and actions, State Bar members were also asked if they perceive the work of other attorneys to be evaluated differently based on racial or ethnic background. Because it is often easier to speak about discrimination generally than in terms of personal experiences, perceptions of racism in the workplace provide an indirect measure to evaluate the overall workplace climate across the state.

The following table shows the percentage of Bar members who believe the work of racial minority attorneys is judged differently by clients, judges, colleagues, and supervisors from the work by White attorneys. Because this question was asked in both 2009 and 2019, the table also compares the results across the past decade.

Percentage of Respondents Who Feel the Work of Ethnic/Racial Attorneys is Judged Differently From the Work of White Attorneys – Trending Analysis by Race/Ethnic Group								
	Тс	otal	White, non- Hispanic		Hispanic		Non-Hispanic Minority	
	2009	2019	2009	2019	2009	2019	2009	2019
Clients	22	28	15	22	35	24	37	49
Judges	16	23	9	16	27	18	32	38
Colleagues	19	25	12	18	34	21	36	48
Supervisors		19		13		16		36

In total, significant shares of Bar members indicated they believed the work of ethnic/racial minority attorneys is judged differently by clients (28%), judges (23%), colleagues (25 percent) and supervisors (19%) from the work of White attorneys. More disconcerting is the fact that these percentages increased 5 percent or 6 percent in the past 10 years for all three categories surveyed at both junctures (the fourth, "supervisor" category is new for the 2019 survey). Interestingly, these increases are driven by increasing perceptions of workplace discrimination by both non-Hispanic minorities and non-Hispanic Whites.

When we look at individual-level variation, racial and ethnic minority members of the Bar who are not Hispanic are much more likely to believe that clients judge the work of members differently base on race or ethnicity (49%) compared to White (22%) and Hispanic (24%) respondents. This is an example of the overarching theme, identified early in the report, that Hispanic members of the Bar appear to have experiences and attitudes more similar to White members than that of other racial and ethnic minorities. In fact, the percentage of Hispanic Bar members who perceive differential work evaluation across all stakeholders decreased since 2009 yet at the same time increased for non-Hispanic Whites.

On the other hand, perceptions since 2009 among non-Hispanic minority members have risen much faster than for Whites. It is important to note that for all stakeholders mentioned in this survey, ethnic minority members are the most likely to feel that their work is unfairly evaluated compared to the work of their White counterparts, and this belief has only increased during the last 10 years.

When asked if they believed the work of ethnic minority attorneys is rated differently by judges, 1 in 4 members of the Bar agreed. Again, minority members are much more likely to believe judges evaluate the work differently (38%) compared to White (16%) and Hispanic (18%) respondents. Similarly, 1 in 4 respondents believe that colleagues judge the work of minority attorneys differently from the work of White attorneys.

Again, this sentiment is shared by non-Hispanic minority members of the Bar (48%) much more than White (18%) and Hispanic (21%) respondents.

Among all groups, respondents seem to believe supervisors are the least likely to showcase a racial bias in evaluations of minority attorneys' work. Only 19% overall share this belief, with White (13%), Hispanic (16%), and Non-Hispanic Minority members (36%) expressing this view.

### Career Advancement Opportunities

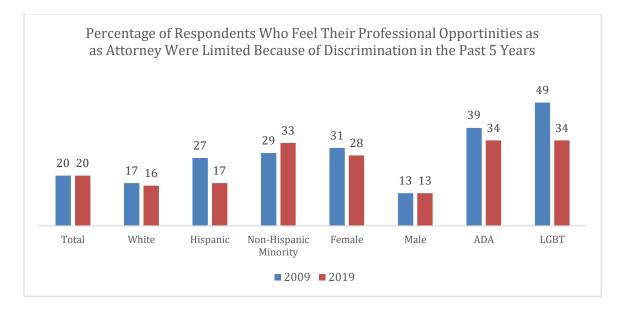
To assess members' perceptions about career advancement opportunities in the legal field, respondents were asked a series of questions about potential career opportunities offered to themselves and others at similar stages in their career.

Members of the State Bar believe that professional opportunities are often limited because of discrimination. When asked to consider if they had felt that their professional opportunities as an attorney were limited because of discrimination during the past five years, 20% of the overall sample agreed, with 16% White, 17% Hispanic, 33% of Non-Hispanic Minority members sharing the same belief. Higher shares of ADA (34%), LGBT (34%), and female (28%) Bar members express this view. From an intersectional framework, Latinas (34%) feel that their professional opportunities were limited due to discrimination to a greater extent than either Hispanic men or white females. However, an even higher percentage of non-Latina women of color expressed concern that their career advancement is impacted by discriminatory behavior (39%).

The focus groups provided an opportunity to dig deeper into this issue. Several focus group participants described the ways in which race influenced perceptions of skills and capabilities relative to their counterparts. Below is an example of one participant's experience:

"If you identify a particular way the field narrows in terms of what others think you're capable of. I've worked in law firms because I've identified as Native or a woman, only certain work has come my way. Somehow domestic relation cases would be directed towards me when I have no expertise or practice in this area. I wasn't getting opportunities I wanted, so I had to be assertive and then when you're assertive you're seen in a particular way. There's got to be a balance."

Because this question was also asked in 2009, we can analyze movement on this question in the past decade. Overall, the views of State Bar members have not changed during the past ten years, with 1 in 5 members believing opportunities are limited by discrimination in both the 2009 and 2019 surveys. In fact, this belief has only increased among non-Hispanic minority members of the Bar, and slightly: 33% currently feel that their professional growth was affected by discrimination, relative to 29% in 2019. More positively, this sentiment decreased by a robust 15% in the last decade among LGBT members of the State Bar.



While there were no noted differences in the percentages of respondents who feel their professional opportunities were limited because of discrimination across Northern, Southern, and Metropolitan areas of New Mexico, important regional differences arose when asked about the basis of discrimination. About 20% of respondents across the three regional areas agreed that discrimination had limited their professional opportunities. However, as reflected in the table below, members in Northern New Mexico were more likely to believe that discrimination on the basis of ethnicity and race (42% and 46% respectively) had impacted their career advancement opportunities, compared to respondents from Southern New Mexico (23% and 21%) and the Metropolitan Area (36% and 30%). Moreover, 7 in 10 respondents from Southern New Mexico believed that discrimination on the basis of gender had limited their professional growth, compared to 64% of respondents from the Metropolitan Area and 59% from Northern New Mexico.

Opportunities as an Attorney Were Limited Because of Discrimination								
	Total	White	Hispanic	Non-	Northern	Southern	Metro	
				Hispanic	NM	NM	Area	
				Minority				
Ethnicity	37	20	27	55	42	23	36	
Race	32	18	28	70	46	21	30	
nuce	52	10	20	, 0		- 1	20	
Gender	64	73	67	43	59	69	64	

Basis of Discrimination among Respondents Who Believe their Professional Opportunities as an Attorney Were Limited Because of Discrimination

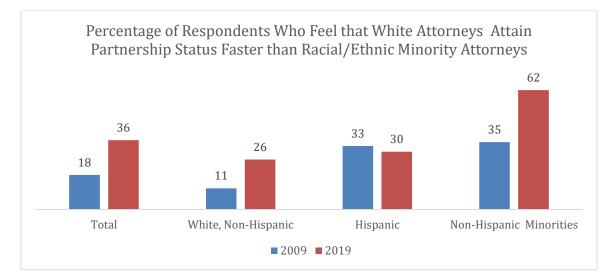
The focus groups conducted following completion of the survey addressed this area given the high concern raised in the survey regarding the potential for discrimination to impact career mobility. Several focus group participants noted that they felt their own careers have been negatively impacted by their race, gender, or a combination of both.

"I will never get invited to any of the conferences our firm has access to. I will never get a promotion ever - that's my constant complaint. I'm probably the highest biller in there but they just overlook me- it just does not work. Right in front of me people get the top tier pay but I was never given the same opportunities and same chances."

"And you're doing more, you're probably getting more work and not having to do those tasks that the rest of us are asked to do. My experience is that maybe as a minority they want you there at the firm so you're there but you don't feel like you're advancing, that's the difference. They want you there to show that they're diverse, but you're not going to be in that same space with little room for advancement."

#### The Role of Race and Ethnicity in Attainment of Partnership Status

When considering career advancement opportunities such as partnership status, 36% of respondents overall believe that White attorneys attain partnership status faster than do racial and ethnic minorities. Hispanic respondents were only slightly more likely to believe that race impacts mobility to partner (30%) than White respondents (26%), but we again see a distinct difference among in the views of non-Hispanic minorities. As reported in the figure below, members of the African American, Native American, and Asian American communities are nearly 30% more likely to believe that white attorneys attain partnership faster than racial and ethnic minorities than Hispanic attorneys.



Region also affects perceptions of racial inequalities in attaining partnership status. Respondents from the Metropolitan area were more likely to believe White attorneys attain partnership status faster than attorneys from other racial backgrounds, (39%) compared to attorneys from Northern (33%) and Southern (31%) New Mexico. Changes in perceptions about partnership attainment are evident in all groups. But again, the opinions of non-Hispanic minority attorneys and White attorneys are more fluid. In fact, in 2009 Hispanic and other racial and ethnic minorities had essentially the same view on this issue. By contrast, the percentage of non-Hispanic minorities who perceive racial bias in partnership attainment increased substantially. Furthermore, Whites appear to have increased their consciousness of potentially benefiting from white privilege, a concept that became popular over the last decade. This helps explain how the percentage of White respondents who believe White lawyers attain partnership faster than racial and ethnic minorities doubled from 18% to 36% in the last decade. This is a positive sign. A larger share of White members of the Bar who recognize inequalities that may negatively impact their minority colleagues could help address these inequalities through interventions.

#### Experience of Preferential Treatment Because of Minority Status

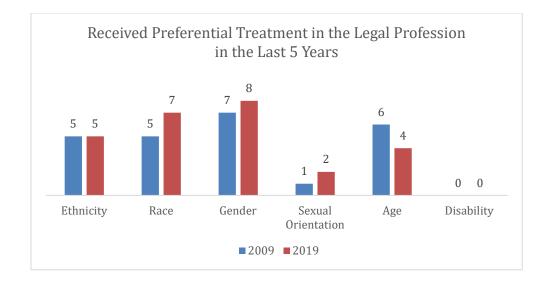
Although the majority of the data collected for this project suggests that being a racial or ethnic minority thwarts career advancement, it is important to note that many focus group participants said their diverse backgrounds helped elevate their careers. The following quote reflects this theme from that focus group which included several participants who agreed with the general sentiment reflected in the quote.

"I think that for me personally, my minority status as well as wanting to work in a rural area has actually afforded me career advancement. I think part of it is because there are very limited number of minorities in this area, so the one or two or three of us in the area get the opportunities that are available. There's also the fact that we all (most agencies and most organizations) want to I think that a lot of people attempt to put on the front that they are attempting to advance diversity in their areas. I know that my department does want the opportunity to advance diversity, which gives me opportunities that I think I wouldn't have if I was a Caucasian because there wouldn't be diversity. So, yeah, I think it has afforded me opportunities. I don't think it has hurt my career advancement in any way."

In this particular focus group, a Native American attorney stated that the culture of representation and diversity is slowly becoming more accepted, which is increasing the ability for their firm to provide descriptive representation to their clients. This was viewed as a positive asset for their career and that of other Native American attorneys. It was noted for example that having expertise in Tribal law, or relationships with Native American communities, is viewed positively by leadership in their offices/company. The quote below reflects the potential for diversity to help with career advancement:

"Before, if someone is born out there (not in ABQ) then they're better. Things would change when I would say my mother is from Massachusetts compared to when I say my dad is from Laguna. Now, it's gotten better...they're starting to realize that, 'maybe we should have folks from these tribes be attorneys'."

In addition to asking members if they feel they have been limited professionally because of discrimination, respondents to the survey were also asked if they felt they had received any preferential treatment in the legal profession in the last five years based on a number of factors, including: racial or ethnic background, gender, sexual orientation, disability, or age. The survey reveals that 75% of the overall sample have not received preferential treatment in the legal profession. A small number of respondents confirmed they received preferential treatment based on one of the demographic factors as depicted in the figure below. Gender was the most common positive response to this item at 8%, compared to 7% for race, 5% for ethnicity, 2% for sexual orientation, and age at 4%. Moreover, these numbers have held mostly steady during the last decade.

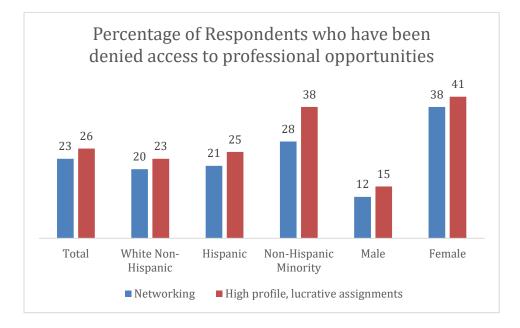


# Denied Access to Professional Opportunities

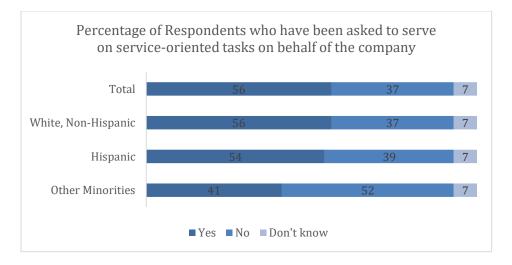
When asked if they had ever been denied access to professional opportunities their colleagues enjoyed at similar points in their careers, 23% of all respondents felt they had been denied access to networking opportunities, and 26% felt they had been denied access to high-profile, lucrative assignments. Similar to the general pattern associated with racial variation in attitudes and experiences, 28% of non-Hispanic minority respondents felt that their networking opportunities had been denied, compared to only 20% of White and 21% of Hispanic respondents, respectively. This gap is even wider when asked about experiences of being denied high profile assignments, where 38% of non-Hispanic minority respondents expressed to have been denied this opportunity -15% higher than White respondents (21%) and thirteen percent higher than Hispanic respondents (25%). The quotes below from a focus group participant exemplifies this challenge:

*"We brown folks hardly ever got leadership roles. We weren't meeting with the clients. We were shoved in the back."* 

"I did notice that white attorneys advance faster and get the work that they want. They're happier. Maybe they want you there but they don't want you to be included. If I have a job opportunity it's always from some place else [another state]." Looking at the interplay of gender and professional development opportunities in the legal field, it is clear from the figure below that female attorneys continue to face unique challenges. Overall, female members of the Bar were three times more likely (38%) to report being denied access to networking opportunities than were male Bar members (12%). Likewise, for denial of access to high profile lucrative assignments that other colleagues have had at similar stages in their careers: Nearly 2 in 5 female members say they missed these opportunities for important assignments – a far higher rate than for male members and the overall average across all respondents sampled.

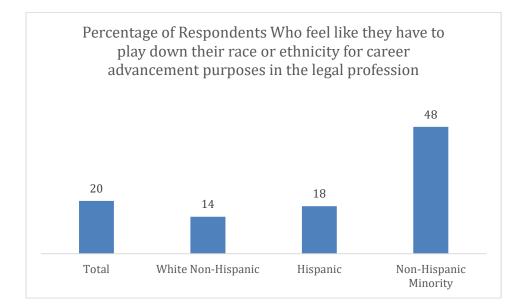


Beyond networking and high-profile opportunities, respondents were also asked to comment on activities or tasks they had been asked to perform, including service-oriented tasks such as serving on boards or committees on behalf of their company. A majority of respondents felt they had been asked to perform such tasks to represent the company at a similar stage in their career as other colleagues who have had access to such opportunities (56%). As reflected in the figure below, there were no major differences between Hispanic and White respondents on this question. Non-Hispanic minority members of the Bar were less likely to report that they have been asked to engage in this type of work on behalf of their employer. However, non-Hispanic minorities were more likely to report that they had not been given credit for such efforts in their performance evaluations when asked to engage in these activities.



#### Playing Down my Race to Get Ahead

One of the best indicators of the overall racial climate of an organization or association is the extent to which individuals feel they must downplay their own racial or ethnic identity in order to advance. This process often referred to as "masking" is often associated with poor work environment cultures that requires diverse employees to hide their identities to fit in. As indicated in the figure below, 20% of all attorneys believe they must play down their race or ethnicity in order to get ahead. Although both White and Hispanic respondents are actually below the mean for this item, nearly 50% of non-Hispanic minority respondents reported that they feel pressured to play down their race for career advancement. In our view this is one of the most important data points in the report because it confirms that African American, Native American, and Asian American attorneys face important obstacles in New Mexico that deserve further attention.



When we explored this question during the focus group sessions we observed the relevance of intersectionality, as both Native American and African American women

offered similar experiences of down-playing their racial or ethnic background to fit in their work environment. One female attorney said:

"I definitely felt like I had to downplay my racial identity working with a lot of predominantly white men, just even being a woman, being a Hispanic, being Native American, all of the things combined. It just seemed better to not address that, not to raise that and really have no expression of that. It just made it easier in that environment. Now that I have changed jobs and I work with a majority Native American environment, all with very strong cultural ties, it's almost the opposite. I feel guilty that I don't have stronger ties to my community, so it's interesting, you know, depending on where you are, how you feel with your peers and the culture of the workplace."

Moreover, 36% of non-Hispanic minority respondents said they have had to contradict a core cultural or family value in order to get ahead in their legal profession in New Mexico. This is significantly higher than the 21% of Hispanic and 20% of White respondents who said the same. Cultural suppression is an additional challenge that African American, Asian American, and Native American attorneys are more likely to face during their professional legal career. The following quote reflects this challenge:

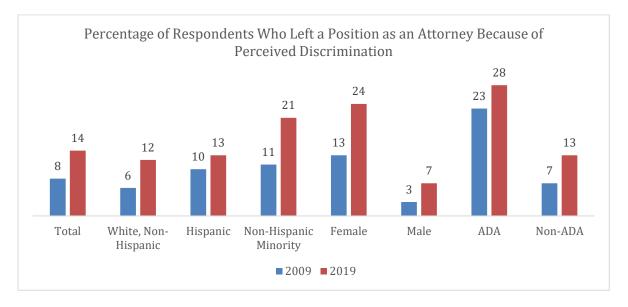
"I feel sometimes that I have to downplay some of my culture to fit in better. I feel like I sacrifice my cultural values on a daily basis. I'd rather see the people, the defendants get out given the structural factors at play, but that doesn't always align with our office policies and everything like that so I do feel like a have to sacrifice my cultural values when I have to prosecute somebody. Where instead of jail time or something, I'd rather see a restorative justice approach, but that is not the world we live in."

#### Leaving a Position Because of Discrimination

One of the most powerful indicators of the workforce climate in the survey was a question that asked respondents if they left a position due to employer discrimination. Overall, 14% of the sample reported that they actually left a position as an attorney because of discrimination. However, this percentage is much higher among female attorneys (24%), non-Hispanic racial and ethnic minorities (21%), respondents from the LGBTQ community (21%) and ADA respondents (28%). Reflecting the power of intersectional discrimination that women of color face in the legal profession, both Latinas (27%) and women of color more broadly (30%) were among the groups with the highest rates of having to leave a position due to experiencing discrimination.

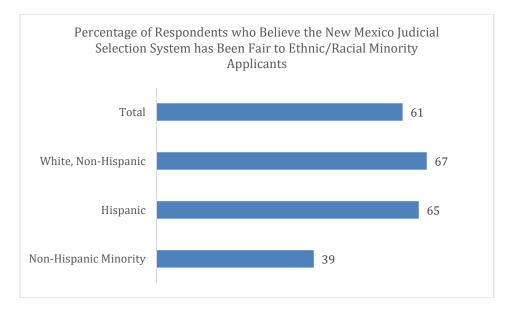
Across all demographic groups, leaving a position as an attorney because of discrimination has increased over the last decade. Compared to 2009, leaving an attorney position due to discrimination has doubled among white (+6), non-Hispanic minorities (+10), and female (+11) respondents in particular. However, we note that the 2009 survey specifically asked if members had left a position during the previous *5 years*, whereas the 2019 study asked about leaving a position during their legal career. To gain some leverage on how this might influence the results generated from this question we asked

all respondents who reported that they had left a position due to discrimination approximately when this happened to them? The most common response, at 47%, was within the last five years, with 20% reporting that it occurred between 5 and 10 years ago. A somewhat positive indicator that the climate in the state has improved over time is that 32% of those who left a position due to discrimination reported that this happened more than 10 years ago.



# Perceived Fairness of the Judicial System

In addition to perceptions of individual level differences in experience across the Bar membership, the study also included some indicators of the perception that the legal system itself within New Mexico is fair or equal. For example, members were asked if they feel that the New Mexico judicial selection system has been fair to ethnic/racial minority applicants. However, nearly 40% of the full sample does not believe that the system is fair in this regard. White and Hispanic respondents aligned closely, as 67% of White respondents and 65% of Hispanic respondents perceived the judicial system to be fair. However, only 39% of minority respondents said the judicial selection system is fair toward racial and ethnic minority applicants. This is one of the strongest indicators of the disparities in the attitudes and experiences that members of the Bar who are from some of the smallest racial and ethnic sub-groups of the overall State Bar of New Mexico have relative to those of the larger white and Hispanic membership.



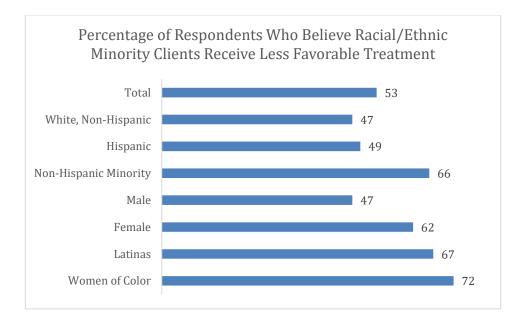
#### Perception of Treatment of Minority Clients in the Judicial System

Survey respondents also provided their perceptions of how minority clients are treated compared to White clients by New Mexico's judicial system. The survey reveals that a majority of respondents (53%) feel that minority clients receive less favorable treatment compared to White clients, a strong indicator of the need for system level reform to promote greater racial and ethnic equality. Although White and Hispanic respondents are less likely to believe that the system treats racial and ethnic minorities less favorably than non-Hispanic minorities within the Bar, nearly half of both groups (47% White, 49% Hispanic, 66% Non-Hispanic Minority) reported that minority clients received unfavorable treatment. The quote below reflects an example of how the system can lack equity for racial and ethnic minority clients:

"Observing in a court setting working with tribal people, I see unfair treatment from opposing counsel. The opposing side took advantage and tried not to honor his requests due to translation issues. The court didn't know where to find a translator for the native language. Instead, they tried to find a translator from a different tribe with a different dialect thinking that would be just as sufficient. As a Native attorney it's frustrating and it's embarrassing for my native clients."

Male members are less likely to believe that minority clients receive less favorable treatment (47%) than female members (62%). Across all sub-groups of the data, women of color were among the most likely to believe that the state's legal system is biased toward minority clients with, 67% of Latinas and 72% of other women of color reporting racial bias in the system faces clients of minority backgrounds. Very interestingly, sexual orientation was even more prominent in views toward potential racial bias toward clients than race or ethnicity, as a robust 78% of Bar Members from the LGBTQ community and 86% of bisexual members of the Bar believe that racial and ethnic minority clients receive less favorable treatment in the legal system here in New Mexico. Finally, lawyers within the State Bar of New Mexico who work within the non-profit sector are much

more likely to believe that there is racial bias in the legal system than lawyers who work in other sectors.



The survey also revealed regional differences in perceptions of treatment of minority clients. Fifty percent of respondents in Northern New Mexico believe there is a difference in treatment for minority clients, compared to 43% of respondents in Southern New Mexico who thought this to be the case. Respondents in the Albuquerque Metropolitan area were the most likely to be conscious of racial bias toward minority clients (57%) – 7% higher than the Northern region and 14% higher than the Southern region.

When compared to previous studies in 1999 and 2009, perceptions of unfair treatment for minority clients has significantly increased across many demographic sub-groups of the State Bar of New Mexico. In fact, we saw an overall 17% increase for those who believe racial minorities clients receive less favorable treatment compared to 2009. This view increased among minority members in particular by 13% compared to the previous decade, and perceptions of racial bias have increased by a robust 27% among white members of the Bar from 1999 and 21% among Hispanic members.

This section of the survey strongly suggests that many members of the State Bar acknowledge the differential treatment minority clients face within the judicial system. A growing body of research by both legal scholars and social scientists over the last decade identifies clear patterns in racial inequalities that have led to severe disparities in incarceration rates based on the race of defendants. This has included the New York Times bestselling book authored by Michelle Alexander, *The New Jim Crow,* which helped to generate more in-depth discussion of the challenges minority defendants face in the legal system.<sup>12</sup>

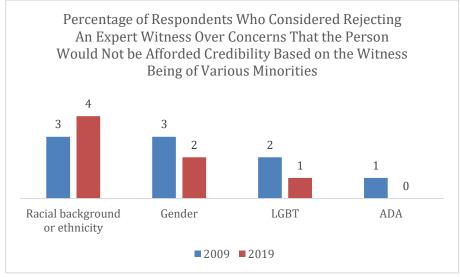
<sup>&</sup>lt;sup>12</sup> https://newjimcrow.com

Percentage of Respondents Who believe ethnic/racial minority clients receive less favorable treatment in the judicial system compared to white clients Trending Analysis by Racial/Ethnic Group					
	1999	2009	2019		
Total		36	53		
White Non-Hispanic	21	28	47		
Hispanic	28	52	49		
Non-Hispanic Minority		53	66		

## Potential Bias in Expert Witness Rejection

The survey also captured respondents' perceptions disparities in racial dynamics in the judicial system as applied to expert witnesses. Respondents were asked if they have considered rejecting an expert witness over concerns that the person would not be afforded credibility based on the witness being from a minority racial or ethnic background, or the gender, sexual orientation, or disability status of the witness.

As shown in the figure below, only a small percentage of respondents indicated that they have considered rejecting an expert witness over concerns about credibility. Percentages have remained below 5% over the last decade when the current and 2009 survey results are compared. Although the very low reported numbers here do not warrant further analysis, the high stability on this item provides confidence that the wider shifts in views across other items discussed in the report over time are not being driven by differences in survey design or sampling approaches.



# The Survey Suggests That Working in the Legal Profession in New Mexico has Posed Some Challenges Finding a Work Life Balance, Particularly for Female Members of the Bar

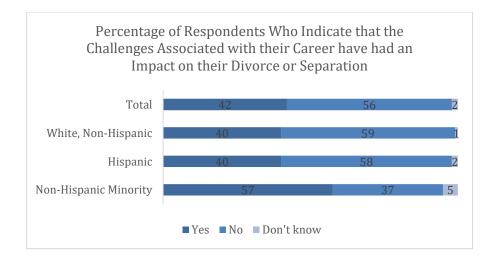
#### Family Planning Decisions Among Bar Members

One major goal of the research project was to learn more about how a legal career has influenced several aspects of Bar members personal life outside of their professional environment, including interpersonal relationships and issues related to family planning.

When it comes to personal relationships and marriage, most Bar members indicated that working in the legal profession did not have a strong impact on their ability or decision to get married (59%). However, it is important to note roughly a quarter of all participants in the survey indicated that working in the legal profession in New Mexico made it difficult to get married (26%). There were only slight differences in this measure by gender and race/ethnicity. For example, 27% of women in the sample reported that working in the legal profession in New Mexico had an impact on their ability or decision to get married compared to 24% of men. White respondents were more likely to indicate that their ability or decision to delay marriage plans had been affected by their job (26%), with slightly fewer Hispanic (24%) and Non-Hispanic Minority members (21%) reporting that their legal career impacted their decision to get married.

Along the same lines, respondents who indicated they were divorced or separated also noted that their career in the legal profession had some impact on their divorce or separation. For example, while a majority of divorced or separated Bar members (56%) did not report that their legal career had any impact on this outcome, 42% of respondents indicated that the challenges of their legal career did impact their divorce or separation. Men were more likely than women (45% to 40%) to report that their career had an impact on this outcome, and among women, Latinas were the sub-group most likely (49%) to have had the demands of their legal career contribute to a divorce or separation.

As for variation based on race or ethnicity, we find the relationship between having a legal career in New Mexico and divorce or separation was similar among White and Hispanic respondents (40%), but this relationship was stronger for Non-Hispanic minority members of the Bar (57%).



The survey also included a set of questions intended to assess the experiences of lawyers with children. Maintaining work/life balance is a salient topic nationally for not only the legal sector, but all professionals. The survey identifies some positive news in this regard for lawyers in New Mexico: Respondents were more likely to say that having children has had a positive impact on their career. Specifically, respondents said being a parent made them seem to be a more stable employee or be seen as someone who will stay with their employer for a long time (41%), than to report that having children has had a negative impact on their career, such as being turned down for partner (28%). Furthermore, most members of the Bar in New Mexico report that having children has not had a particularly positive or negative impact on their career outcomes.

However, gender had a marked impact on how Bar members feel about how having children has influenced their careers. While 57% of male members think that having children has had a positive impact in their careers, including being seen as more stable employees, only 21% of female members share that belief. Conversely, 48% of female members think that having children has had a negative impact on their career, while only 12% of male members seem to agree. The data strongly suggests that female members of the bar appear to face very challenging trade-offs when evaluating whether to have children that their male colleagues do not have to consider based on a different set of cultural norms associated with having a family.

This was a major topic of discussion in our focus groups, particularly those comprised of only female members of the Bar. The following quotes below highlight a few instances where female focus group participants felt that family planning was not conducive to a successful career in the profession:

"Generally, I feel that young women are discouraged from having children and I do not feel like it would have been possible to start a family when I was in private practice at my firm, which was one of many, many reasons why I left and chose to work in the government sector."

"Now I work for the State but when I was in private practice you were looked down on for leaving work at 5pm, especially if it was to pick up kids from daycare. If your kid got sick, even though you had sick leave the firm did not want to allow you to use it to take care of your sick child. I was given a very hard time for doctor's appointments I needed when I was pregnant. The firm did not see you as valuable if you wanted to put your time with your family above time at the firm."

"I do not see how any woman attorney can consider raising a family outside of the government sector unless they have a really engaged partner or husband."

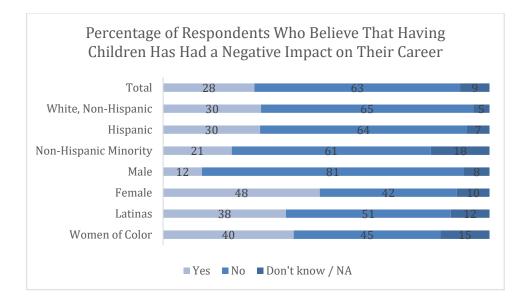
"If we chose to work part-time during child raising we had to get off the partner track. This was some years ago. I chose to get off the partnership track. There was no paid maternity leave and unpaid time off was limited to 90 days and when I had my last child I was fired while pregnant."

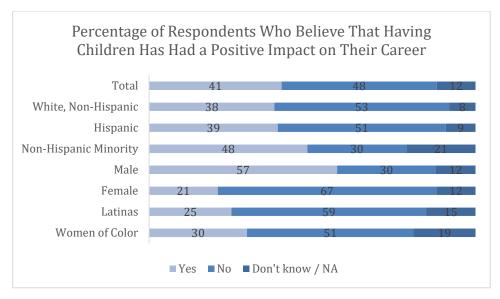
This analysis supports the suggestion made by this focus group participants, as 28% of men report working in the government sector compared to 35% of female respondents.

When asking focus group participants if they would be comfortable sharing personal experiences where family planning decisions were in opposition to a lucrative career in the legal profession, a female Hispanic participant emphasized the challenges many women face in New Mexico:

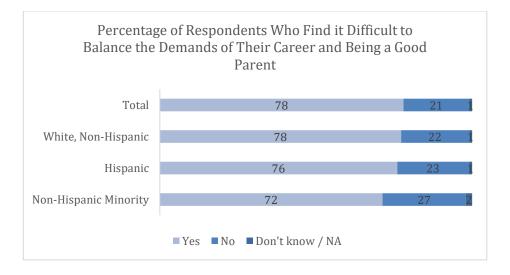
"I decided to leave private practice when I had to leave for a meeting and couldn't take my husband home from a medical procedure. I was also hesitant to start a family while in private practice because of the difficulty in maintaining work-life-balance, and the low wages offered in NM. Ultimately, we decided to leave the state to find an opportunity in the legal profession that was conducive to our desire to have a family and be present."

As the two figures below demonstrate, race and ethnicity have an impact on the experience of members of the Bar who have children; however, for the most part, racial and ethnic minorities have more positive views about how children impact their standing in their careers. For example, Hispanic (39%) and non-Hispanic minority members (48%) are more likely to say that having children has had a positive impact on their career in terms of career advancement than non-Hispanic white members (38%). Conversely, while Hispanic and non-Hispanic white members of the bar are equally likely to report that having children has had a negative impact on their careers (30%), members from other diverse racial and ethnic backgrounds are less likely (21%) to report that having children negatively impacts their career outcomes.

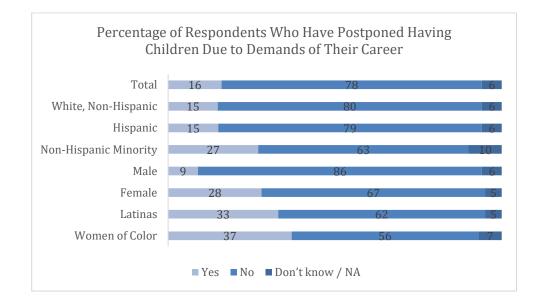




The overwhelming majority of Bar members who have children report that they find it difficult to balance the demands of their career with being a good parent (78%). The biggest gap among Bar members is based on gender, with a 20% difference between women who have greater concerns balancing work demands with parenting (88%) than male members (68%).



Despite the difficulties of balancing career obligations with parental demands, less than 20% of members overall said they had actively postponed having children due to the demands of their career, as indicated in the figure below. Similar to other family planning indicators, we did see a notable difference based on the gender of the respondent. Female attorneys (29%) were three times more likely than male Bar members (9%) to indicate they have actively postponed having children due to the demands of their careers.



Furthermore, we also see an intersectional pattern in the data based on gender and race. Latinas and women of color are even more likely to have delayed starting a family due to career demands than women overall (33% Hispanic; 37% women of color). Similar to earlier findings, this intersection of race and gender tells a more complete story about minority members' experiences and how their careers are both impacted by and simultaneously impact members' lives outside of the professional space. The data from this section of the survey makes clear that women of color face the additional difficulty of evaluating whether it is possible to pursue a career and starting a family.

This issue was a major component of the focus groups of female members of the Bar. The following quotes reflect some of the concerns in this area we heard across the focus groups more broadly:

"I don't feel that a work-life balance is in any way promoted or encouraged in any of my work in or after law school. Vacations are viewed as laziness at both my husband's and my firm. My husband worked on our wedding day because of his firm's demands and inability to be flexible; we are not having kids largely as a result of this culture."

"I decided to wait to get pregnant until I was 36 and now there are infertility issues. My stress was so high I left the firm. I had to decide if I wanted to be a mother or a career woman. I came back to Santa Fe because I have my family support. There's a burden on you. For a long time it was a career strategy and all about making money. I think women have to plan no matter what... you have to strategize for how you want your life to be and I don't think men have to. Most women I know had to step down or make less money. Most work in government because they have kids."

Furthermore, respondents felt that judges maintained favoritism to those who tried to balance family practices with career aspirations. A few focus group participants stated:

"Judges have refused to reschedule hearings even though they are made aware of family emergencies or family vacations that were planned well in advance. Judges also refuse to honor Notices of Non-Availability filed in cases."

"As a woman, I'm treated differently. I believe that I am an equal to my male peers, but it seems that judges and other attorneys don't believe the same."

We close this section of the report with responses to a question in the survey that asked participants what family related amenities employers make available across the state. Family health care coverage is the most widely available amenity across Bar members with 62% of respondents indicating that their employer make this available to them. Family health coverage is much more common for lawyers who work in large firms (87%), government sector lawyers (86%), and those who work in the non-profit sector.

Roughly one-third (34%) of respondents noted that having the ability to work from home or in other off-site arrangements was available, with 25% reporting that they had access to paid parental leave, and another 19% who had access to unpaid parental leave. The survey also revealed that 31% of lawyers have the ability to work part-time or in a flex-time arraignment following pregnancy. Finally, only 4% of lawyers in the sample have access to on-site childcare or other childcare assistance. Roughly one-fourth of all respondents (24%) stated that they do not have access to any of these family-oriented amenities through their current employer. Similar to family health care, all of these amenities are more likely to be afforded to lawyers who work in large firms and the non-profit and government sectors. Lawyers who are in small firms or who are sole-practitioners with children find themselves with fewer resources to find a balance between work demands and raising children.

# New Mexico Bar Evaluated Positively Regarding Their Efforts to Address Issues faced by Various Population Groups

The final sections of the report focus on members' evaluations of how the State Bar of New Mexico itself addresses discrimination issues faced by various segments of the diverse association. As reflected in the table below, the state's Bar members were rather positive in their assessment of the efforts of the State Bar of New Mexico in addressing issues relating to racial and ethnic minority members. A plurality of respondents rate the efforts of the State Bar as "good" (39%), followed by a "fair" (19%) and "excellent" rating (17%), while only 4% give the State Bar a "poor" rating and 2% a "very poor" rating. About one in five members across all demographic groups report having no opinion as to how the State Bar is addressing ethnic and racial issues. These are similar to the ratings given in the 2009 study.

One of the main findings from the focus group discussions was the perception that discriminatory experiences have become less common over the last decade. This was generally viewed as a very positive outcome, which reflects that we have come a long way in regard to diversity challenges. Below are several quotes from our focus group of non-Hispanic minority members of the Bar:

"I'm in my 33rd year of practice in Albuquerque, and I think I kind of fit in that last core category you described. I recall instances of, maybe not overt discrimination, but I felt like there was something going on in certain situations and a whole lot of people the last decade or so, I'm not getting that vibe as much as it did in the 80s or 90s."

"It is great to hear that the Bar Association is conducting this study, which I think is a good sign that we are being conscious of the challenges many members of the Bar face due to their race or gender."

"This research project being commissioned and conducted by your team helps in and of itself"

*"The Bar seems appropriately concerned with remedying historic and current discrimination."* 

Yet again, views about the Bar among Hispanic members are very similar to those of White members. White and Hispanic members are more likely to evaluate the efforts as "excellent" (21% and 20% respectively), and both groups saw a modest increase in the percentage of "excellent" ratings over the last decade. In contrast, a smaller percentage of non-Hispanic minorities rate the Bar's performance of addressing issues related to racial and ethnic minority members as excellent (11%), and more likely to provide a "very poor" rating.

Evaluation of the State Bar of New Mexico in Addressing Issues Relating to Racial and Ethnic Minority Members								
	Total		White, non- Hispanic		Hispanic		Non-Hispanic Minority	
	2009	2019	2009	2019	2009	2019	2009	2019
Excellent	15	17	16	21	14	20	12	11
Good	35	39	36	40	36	40	34	34
Fair	13	19	9	15	23	16	18	25
Poor	2	4	1	2	6	3	3	9
Very Poor	1	2	0	2	2	2	6	6
Don't Know	33	18	38	20	19	20	27	15

In an effort to collect recommendations to improve and address issues relating to diversity, we closed each focus group session with an opportunity for participants to provide specific recommendations and also had an open-ended question in the survey to allow those respondents to do the same. The following quotes provide multiple suggestions for advancing equity and inclusion in the legal profession that are reflective of the wider set of similar suggestions across both mediums of data collection:

"We should have more inclusion at the State Bar conference and other events... even on topics and outside speakers. For leadership positions, folks that the Bar brings in they are already groomed and not diverse."

"Create more women, Natives, and Native-women in leadership."

"It seems like when we have CLEs or we have some sort of training it's all the same people and they're all usually minorities. Minorities already kind of know what needs to happen, but the people who don't know and need to know are not the people who think, 'I need to go to diversity training'...Maybe we can have a short session on cultural competency on the New Mexico requirement"

"I just want to add what I'd like to see the Bar do is to do more about training lawyers to be on the judiciary. What are we doing to train enough people of color so they know what it takes to get those appointments? I don't see enough of that in the state bar and it really does need to be more."

"I think the bar could also do a little bit better job in having a conversation with attorneys and with people in law firms about what it takes to move up into these positions, to be a partner...the claim is made that it's racial neutral, but it's not

racial neutral at all. Ask them when's the last time they invited a Black person to dinner. When's the last time anybody's been to their house. I ask that question all the time and it's amazing the response. Somebody's never had a Black person at their house. How can you interact with people, and not just to have them at your house, but what has been your interaction and how does the Bar create that inaction to occur?"

"It is imperative that new attorneys receive unbiased and supportive mentorship during their first few years in practice. To the extent it can, I think the State Bar should encourage collaboration between experienced and inexperienced attorneys and provide incentives for more experienced attorneys to mentor newer lawyers. Once incentive could be offering CLE credit for volunteering as a substantive mentor."

"Keep raising this awareness. We have a progressively more polarized national dialogue, and someone has to focus on community—we rise and fall together."

"Making it easier for lawyers from others States to become full-members of the New Mexico Bar. Specifically it is fairly easy and straight forward to obtain a limited license in the state of New Mexico but completely counterintuitive to have a limited license applicant restart the process from scratch to go from a limited license to full licensure in the State of New Mexico."

"New Mexico is still a terribly sexist place, and the State Bar needs to do more to ensure equal opportunities for women. This does not include ghetto-izing them in women's bar groups. To the extent possible, the Bar should promote policies that actually help women obtain leadership roles."

"I haven't heard much of bar activities helping the rights of attorneys with disabilities compared to helping minorities and females."

"I practiced my first 20 years in Alabama and have been in NM for five years. NM is light years ahead of Alabama when it comes to equity and diversity in the bar, particularly when it comes to women, LGBT and Hispanic practitioners. I suspect this is a result of the more open, libertarian culture in New Mexico in general rather than of particular actions by the bar. I'm not a minority myself and am not involved in any diversity initiatives through the bar, so I can't speak to any particular effectiveness."

"Right now there does not seem to be any recourse for government lawyers who are fired for gender-based reasons beyond civil litigation. I do not feel the State Bar has resources designed to assist/support women lawyers who are actively being discriminated against by other members of the Bar."

"The State Bar does not seem to see or understand the dynamics that impact our daily lives and practice. White female and male counterparts are always treated as experts and afforded credibility that is undeserved. They don't see how some of these White experts actually bully POC in law especially, WOC and try to attack our competency and credibility - not because we lack competency but because they, one, are competing against us, two, want to maintain their power and access in hierarchy and keep us in subservient positions. The White savior models are the worst and are truly threatened by our presence in the legal field. Also, we have internalized colonialism and do some of this to ourselves and each other. In particular, White practitioners (mostly White women) of immigration law in NM are treat WOC in immigration law really badly."

"The state bar serves Albuquerque and Santa Fe. It does not serve me. I would do away with the mandatory bar."

"The Judiciary is completely removed from the Bar. There needs to be more events where the judiciary is required to be present and interact with members of the Bar. The Judges also need more training with ADA-related disabilities and sensitivity overall."

"The Diversity Bar's CLE topics and presentations have been laughable. The presentations seem to be coming from people whole unqualified to speak on the topic, and some of the topics seem to be quite antiquated. The bar needs to get qualified speakers, even if from nationally, to address these topics."

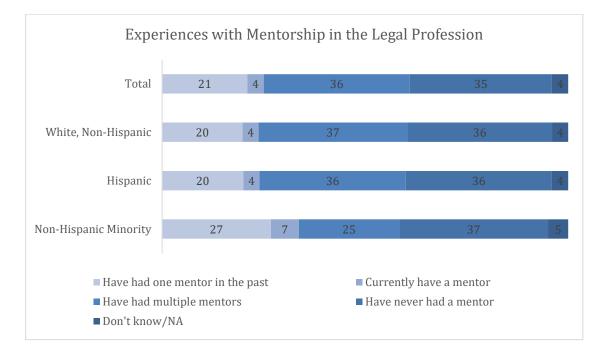
"I think the Bar is making reasonable efforts, but many members are either reluctant or refuse to confront their own biases when dealing with each other. The people who need to attend trainings on privilege, implicit bias, etc. are precisely the people who will not attend those trainings because they seem them as irrelevant or having nothing to do with them. I realize this would create an additional burden on Bar staff and procedures, but it may want to consider allowing folks to report civil rights related concerns to the Bar and then have the responding person attend a mandatory training/conference to address the concerning behavior."

"There is an obvious minority glass ceiling for African-Americans in the Judiciary. No African-American Judges have been appointed above the State's District Courts. No African-American Judges have been appointed to New Mexico's Federal District Court. While the State Bar has conducted survey's and reported on minorities in the Bar, never has it addressed the patently obvious fact that advancements in the Judiciary for African-American lawyers is tragic."

"I suggest the Bar consider raising awareness of the contributions of disabled/differently abled attorneys. The Women's Bar does a generally good job of showing support for women attorneys, but that does not seem to translate to equal treatment by other attorneys, law firms (especially in hiring and partnership decisions), or judges."

# Mentorship and Participation by Minorities in Leadership Roles and the State Bar

The survey also asked respondents to reflect on their mentoring experiences in the legal field. Overall, we found that about 1 in 3 members have never had a mentor in their career, with 36% of respondents indicating that they have had multiple mentors and 21% reporting that they have had one mentor. While only 4% of the sample report that they currently have a mentor, that number is four times higher (16%) among layers who are under 35, reflecting the trend in the data that lawyers earlier in their career are more likely to be assigned a formal or informal mentor. These numbers reflect a slight decrease in mentorship participation since 2009, as the 2009 Report states that 3 in 5 survey respondents say they have had a mentor during their law career either in the past (48%) or presently (11%).



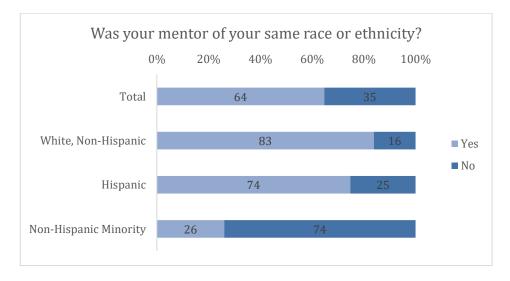
Given the value of mentoring, particularly at the onset of an attorney's career, the lack of mentorship resources or awareness can inhibit and limit professional development. Among those who indicated that they never had a mentor, a common reason provided was that no mentors or mentorship programs were available (28%). Similarly, about 1 in 5 members indicated that they were simply unaware that mentorship programs were available in the first place, with 29% of members also indicating that they had simply never thought about it.

Lack of awareness about mentorship programs was more prominent among Non-Hispanic Minority members (30%) compared to White (19%) and Hispanic (20%) members. Similarly, Non-Hispanic Minority members were more likely to indicate they had never thought about it (36%), compared to their White (30%) and Hispanic (31%) counterparts.

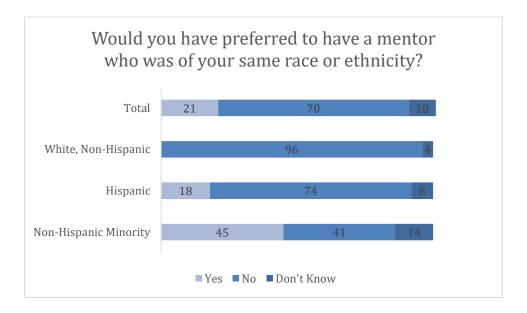
Reasons for not having a mentor by racial/ethnic group					
	White,			Non-	
	Total	Non- Hispanic	Hispanic	Hispanic Minority	
Did not need one / not interested	24	24	25	25	
Not aware of mentorship program(s)	21	19	20	30	
No mentors/programs available	28	28	27	17	
Did not have time to commit to being a mentee	4	3	3	0	
Apprehensive about the implications of having a mentor	3	2	2	8	
Never thought about it	29	30	31	36	
I was not able to find someone willing to serve as a mentor	10	8	8	12	
Don't know / NA	5	5	5	5	

Beyond availability and awareness of mentorship programs, the nature of a mentormentee relationship can also vary by various characteristics, including racial or ethnic background. Among those who indicated they have had one or multiple mentors in the past, a majority of respondents said their mentor had been of their same race or ethnicity (64%). This was particularly true for White members (83%). A slightly smaller share (74%) of Hispanic members said they had a Hispanic mentor.

Non-Hispanic Minority members have had a much different experience compared to White and Hispanic members. There is a wide 48-percent gap between minority members who indicate their mentor was of their same race or ethnicity and Hispanic members who had the same experience. This gap widens to 57 points between minority and White members.



Moreover, among those who indicated their mentor was of a different race or ethnicity, 45% of minority members would have preferred to have a mentor of the same racial or ethnic background. This was less of a priority among Hispanic members, only 18% of whom said they would have preferred a Hispanic mentor. Among the 16% of White members who had a mentor of a different racial background, a robust 96% said they had no preference for their mentor's racial background.



Beyond personal experiences as a mentee, the survey also asked members to reflect on their experiences serving as mentors for others during the course of their legal career. A plurality of members, 41%, said they mentored several attorneys in the past, while only 10% said they had mentored only one other attorney. Among those who have never served as a mentor in the past, an equal number of members indicated that they would like to be a mentor in the future (21%) as those that indicated that they would prefer not to be a mentor (22%).

Have you ever been a mentor for another attorney?						
	Total	White, Non- Hispanic	Hispanic	Non- Hispanic Minority		
Yes, I have mentored one attorney	10	9	9	14		
Yes, I have mentored several attorneys	41	40	41	36		
No, I have never served as a mentor but would like to	21	20	20	21		
No, I have never served as a mentor and would prefer not to in the future	22	25	25	25		
Don't know/NA	5	5	5	3		

Finally, we asked members to reflect on their current or past leadership experiences and roles during their professional careers. Consistent with previous findings, we see that White and Hispanic members have had similar experiences in participating in various

leadership roles such as the State Bar of New Mexico Board of Bar Commissioners, practice sections, divisions, or committees (19% and 18% respectively), whereas fewer minority members have done the same (13%).

This is the case for most local and statewide organizations and leadership positions, except minority members were much more likely to indicate having participated in a local diverse bar association (9%) compared to White (3%) and Hispanic members (4%). This echoes previous findings that show 33% of minorities feel that their professional opportunities have been limited due to discrimination, and feel they have been denied access to professional opportunities compared to other colleagues, such as networking (28%) and high-profile lucrative assignments (38%).

Leadership Roles by Racial/Ethnic Group						
	White,			Non-		
	Total	Non-	Hispanic	Hispanic		
		Hispanic		Minority		
State Bar of New Mexico Board of Bar						
Commissioners, practice section, division or	19	19	18	13		
committee						
New Mexico Supreme Court board or committee	18	19	18	12		
Local county, or district bar association	15	16	15	8		
Local diverse bar association	6	3	4	9		
CLE presenter	42	44	43	33		
Any other leadership role	25	23	24	31		
No	34	34	34	39		

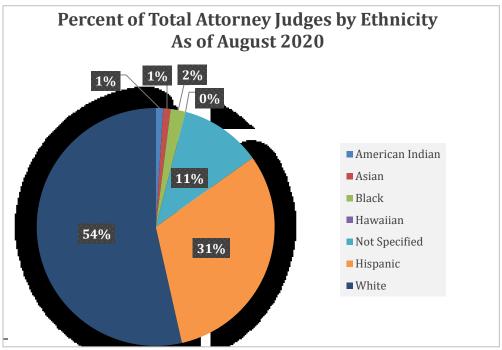
One focus group participant specifically noted the positive value of mentoring programs:

"I was not fortunate enough to have a mentor especially since Bridge the Gap was after my time...I was so ignorant, I was dumb, but no one explained how I was supposed to make a career. But I have participated in a mentorship program. These mentorship programs don't teach the BAR, it's really for those who have questions or need support or encouragement. Part of the mentoring was making sure they're studying regularly and holding them accountable."

## **DEMOGRAPHIC PROFILE OF THE JUDICICIAL BRANCH OF NEW MEXICO**

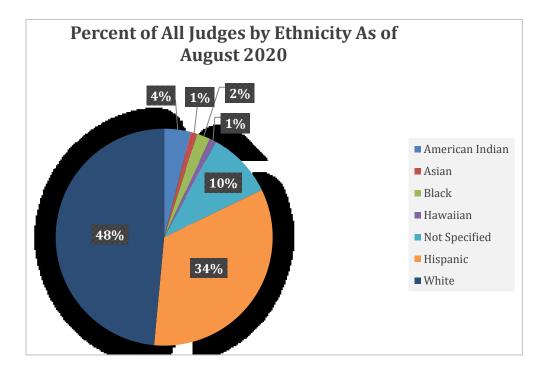
In addition to analysis of original survey and focus group data, the 2019 Diversity Report includes analysis of judicial representation of diverse lawyers. When analyzing trends in minority composition of judges and attorneys between 2009 and 2020, we see substantial strides towards diversity in the New Mexico judiciary over time. For some context, the 2009 <u>Report</u> found that 38% of the 166 total judges were racial and ethnic minorities. As reflected in the figure below, out of the 198 total judges in New Mexico in 2020, 52% are racial and ethnic minorities. Likewise, if we analyze attorney judges (144), the results indicate that the percent of the minority attorney population has doubled (46%) compared to the minority attorney population in 2009 (23%).<sup>13</sup> These numbers suggest that representation of racial and ethnic minorities in the judicial branch has increased over the past decade and are similar to the overall racial and ethnic population numbers in the state. Given that the national average for minority representation in state courts is 38%, New Mexico is doing very well comparatively.<sup>14</sup>

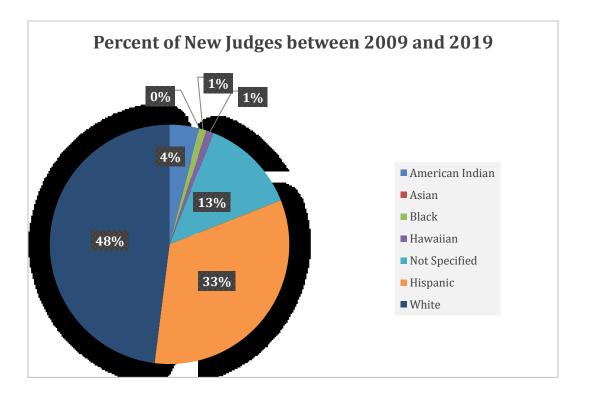
When we dig a bit deeper into these numbers we see that Hispanic judges are helping to drive the overall minority representation numbers, as they are roughly one-third of all judges, as well as judges who are also attorneys. The representation of all other minority groups in the judiciary are not on par with their overall representation in the state's population. This finding supports the importance of looking beyond aggregate numbers whenever possible to better understand the experiences of all diverse attorneys. While the overall diversity of the judiciary should be celebrated, it is clear that more work can be done to help increase the representation of several more specific groups across the judicial branch in the state of New Mexico.



<sup>13</sup> Note that the Attorney Judges number does not include magistrate and probate judges who are not required to have had the benefit of law school.

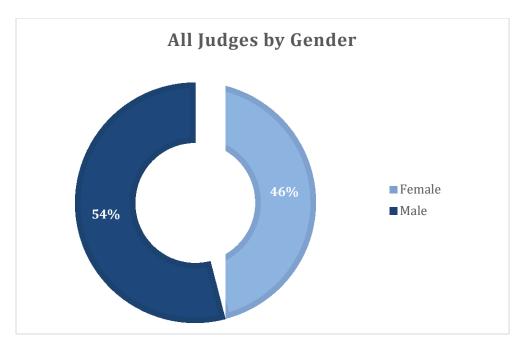
<sup>14</sup> https://www.representwomen.org/women\_are\_underrepresented\_in\_the\_judiciary





Finally, when we look at the distribution of all judges in the state by gender for 2020 we see that there is a nearly even split in New Mexico, with female judges comprising 46% of all judges in New Mexico. New Mexico not only has a higher level of gender representation in our courts than the national average of 30%, but have stronger

representation in the judiciary branch of the state government than the legislative branch. <sup>15</sup> The percentage of female judges in the state is also slightly higher than the percentage of female members of the State Bar of New Mexico. The state of New Mexico is a leader nationally in regard to gender representation within the judiciary.



# THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW

#### Enrollment at the University of New Mexico School of Law

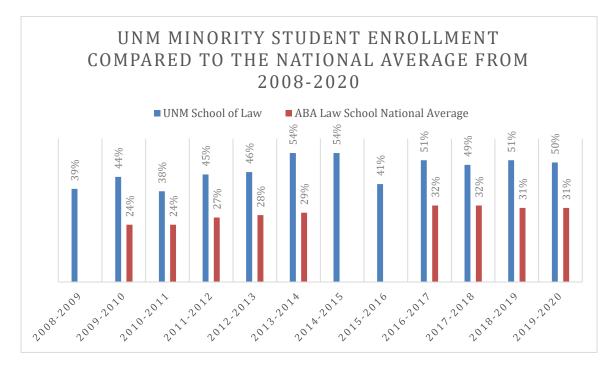
The diversity report for the State Bar of New Mexico must include a discussion of the UNM School of Law given the importance of the law school to the state's legal sector and the reputation that the institution has for diversity. The UNM School of Law has been consistently ranked among national leaders for diversity among leading evaluations of law schools, including being ranked as one of the top institutions for both Hispanic and Native American law students. <sup>16</sup>

As reflected in the figure below, UNM continues to have a significantly higher minority enrollment than the national average. Between 2008-2020 the enrollment of racial and ethnic minorities has ranged from a low of 38% in 2010/11 to a high of 54% in the 2013/14 academic year. Half of all law students enrolled at the UNM School of Law were racial and ethnic minorities in the most recent (2019/20) academic year with available data, compared to the national average of 31% at ABA accredited institutions.<sup>17</sup>

 $<sup>^{15}\,</sup>https://www.ncsl.org/legislators-staff/legislators/womens-legislative-network/women-in-state-legislatures-for-2019.aspx$ 

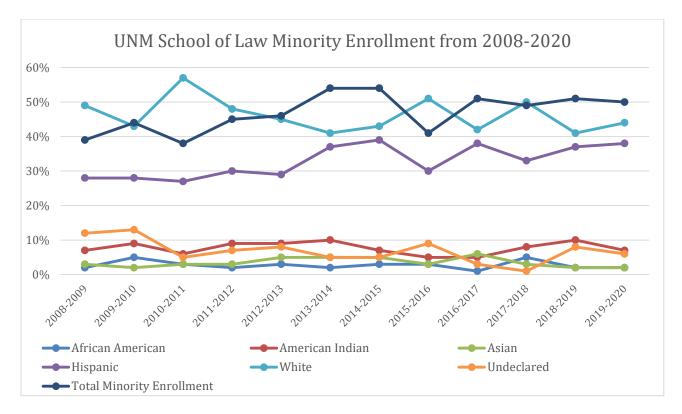
<sup>&</sup>lt;sup>16</sup> See some of these accomplishments here: https://lawschool.unm.edu/about/index.html

<sup>&</sup>lt;sup>17</sup> There were some gaps in data availability for ABA enrollment which is reflected in missing data in the figure.

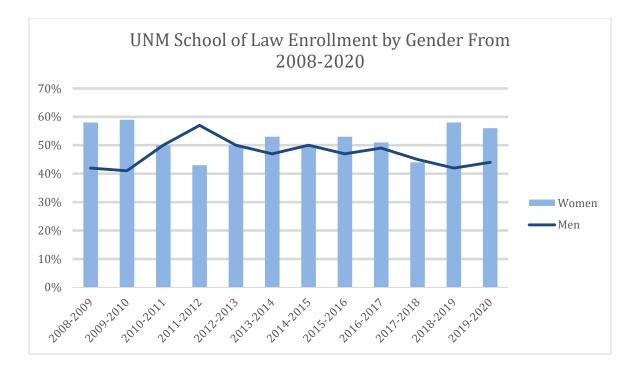


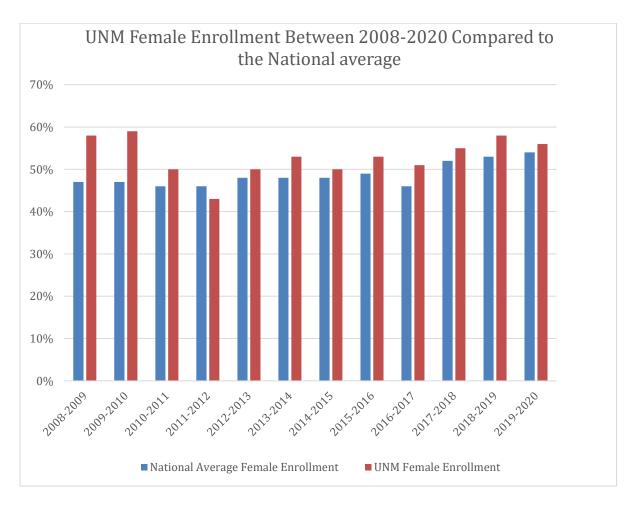
When we look at the racial and ethnic representation of specific groups at the UNM School of Law we see that the Hispanic student population is the most well represented among all racial and ethnic minorities within the institution. Hispanic enrollment at the law school has ranged from 27% to 39% from the 2008/09 school year through 2019/20, trailing only non-Hispanic whites in enrollment representation. American Indians are next in regard to racial and ethnic representation, with enrollment numbers in the law school similar to their ratio in New Mexico's overall population. Native American enrollment however has dropped from a high of 13% in 2000/10 to 7% in the most recent academic year data was available for (2019/20).

Similar to their numbers among the overall Bar membership, Asian American and African American enrollment at the UNM School of Law are much smaller, in some years falling below their representation in the state's overall population. For example, in 2016/17 African Americans comprised only 1% of students at the law school, and are currently at 2% of all enrolled law students. The drop in Native American enrollment and relatively low representation of African American students is worth further attention to see if there are any recruitment and retention programs that could be implemented to improve on those numbers. The UNM faculty are rated by Princeton Review as one of the most diverse in the country, and there are several national leaders among the faculty at the UNM School of Law. This is a valuable resource that can be leveraged for recruitment and retention efforts.



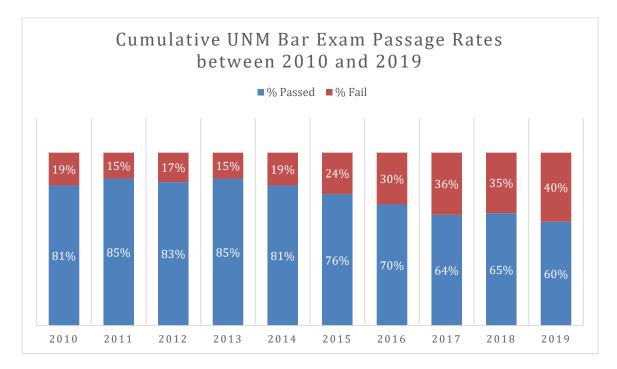
As the figures breaking down gender representation below illustrate, the UNM School of Law has performed consistently well in regard to the enrollment of female law students. In almost all years (exception of 2011/12) there have been more women enrolled in the law school than men, with a 12% gap in the most recent academic year available for analysis (56% female/44% male in 2019/20). With the exception of the 2011/12 academic year, female enrollment at UNM's School of Law has outpaced national law school enrollments. We suggest that future research consider the potential role of intersectionality to influence the enrollment patterns and experiences of women of color at the law school.





## New Mexico Bar Exam Passage Rates

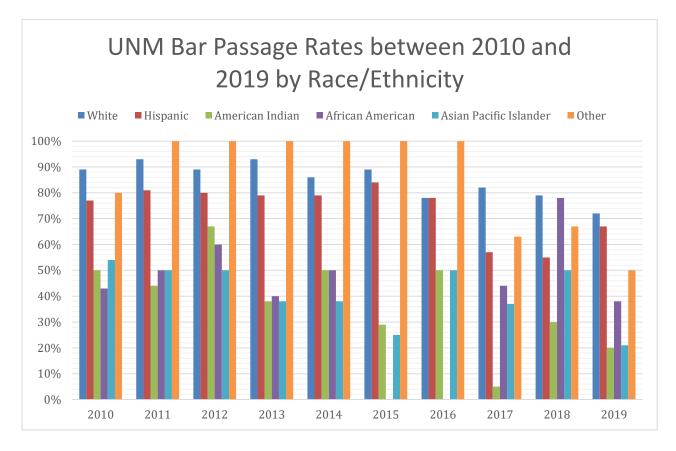
Bar passage rates for UNM graduate has been a salient topic of discussion over time in the state of New Mexico, and the figure below identifies that bar passage rates must continue to be an area of attention for the State Bar of New Mexico. The exam passage rate has ranged from highs of 85% in both 2011 and 2013 to the low of 60% in 2019, the most recent academic year with available data.



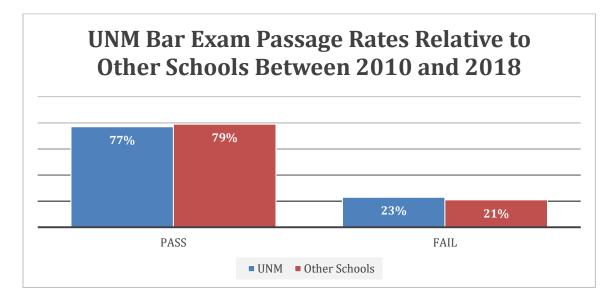
Looking at New Mexico Bar Exam passage rates of UNM graduates from the 2009 Diversity Report provides some context for the more recent passage rate numbers. The 2009 report provide an average bar passage rate from 2000-2008 and identified that the passage rate among Hispanic exam takers averaged 82% over that period, compared to 91% for non-Hispanic-Whites and 77% for other minority first time exam takers.

Consistent with the overall bar passage rates that have fallen significantly over time in New Mexico, the passage rates for all racial and ethnic groups who graduated from UNM in 2019 are between 10 to 30 percent lower than in 2010. The data suggests that bar exam passage rates for Native American test takers is of particular concern. For example, only 20% of American Indian test-takers passed the bar exam in 2019 compared to 67% among Hispanic and 72% among non-Hispanic Whites in that year. To address bar passage rates for Native American law school graduates nationally, the American Indian Law Center has a bar passage initiative that includes workshops and coaching.<sup>18</sup> The State Bar's Committee on Diversity in the Legal Profession partners with the American Indian Law Center on the this initiative and also provides bar exam coaches for other diverse applicants.

<sup>&</sup>lt;sup>18</sup> https://www.ailc-inc.org/native-american-bar-passage-initiative/

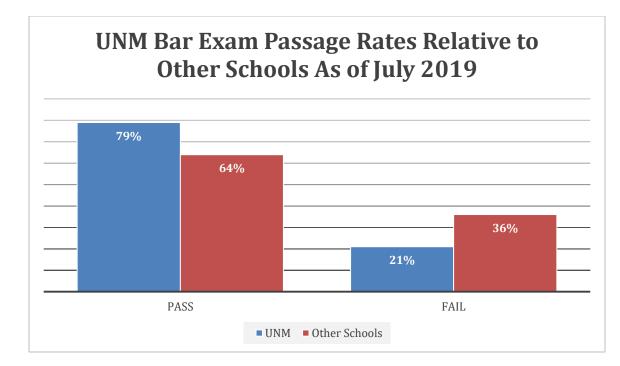


When we compare UNM bar passage rates to bar passage rates of graduates from other law schools over the last decade, we find that there are very similar. More specifically, there is only a 2% difference in bar passage rates between UNM graduates and graduates from out of state institutions: 79% for other institutions compared to 77% for UNM.



However, the data from the most recent year available, 2019, suggests that UNM has made significant gains relative to other institutions. In fact, as the figure below illustrates,

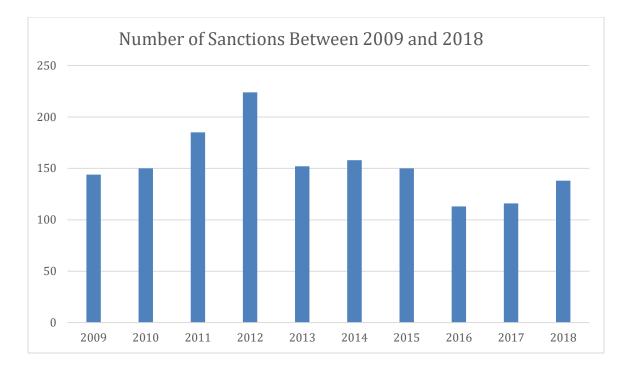
while UNM's bar passage rate has improved two percent to 79% while the bar passage rate for graduates of other institutions dropped significantly. In 2019, UNM graduates have a 15% higher passage rate on the State Bar Exam compared to other schools.



# THE DISCIPLINARY SANCTIONS AND MINORITY ATTORNEYS

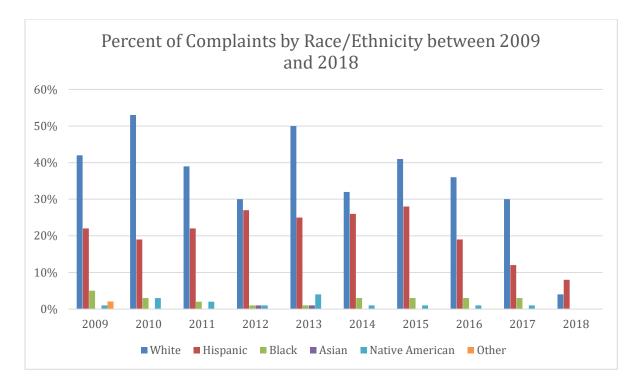
Disciplinary sanctions have been an area of focus for task forces in New Mexico going all the way back to 1990, when a task force report noted in the 2009 Diversity Report that Hispanic members of the bar received a disproportionate rate of sanctions when compared to their overall membership numbers in the bar. Their analysis suggested that disciplinary sanctions continued to remain an area of concern for Hispanic attorneys, as they received 27% of the sanctions between 2000 and 2007, yet only comprised 18% of the total Bar member population over that period. Findings from that 2009 Diversity Report suggest that other racial and ethnic minority groups have received sanctions at levels consistent with their membership numbers overall, with White non-Hispanic members receiving fewer sanctions relative to their membership level over this period.

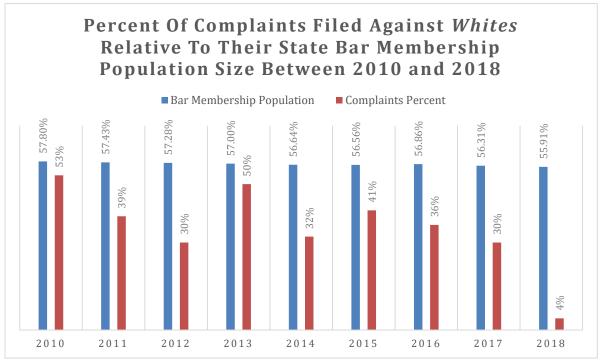
As the figure below illustrates, when we look at the raw number of sanctions between 2009 and 2018 we see a notable drop in the number of sanction complaints made over time,, from a high of 224 in 2012 to 138 in 2018.

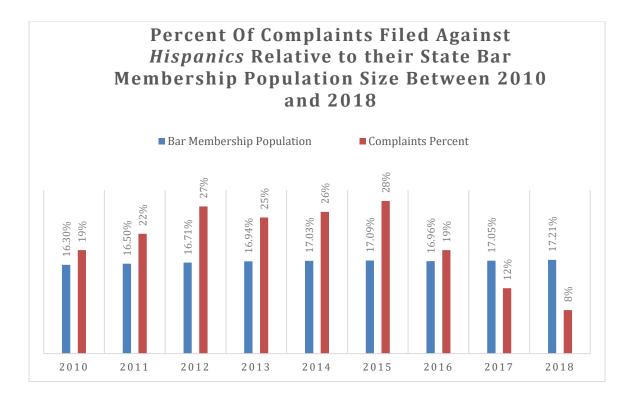


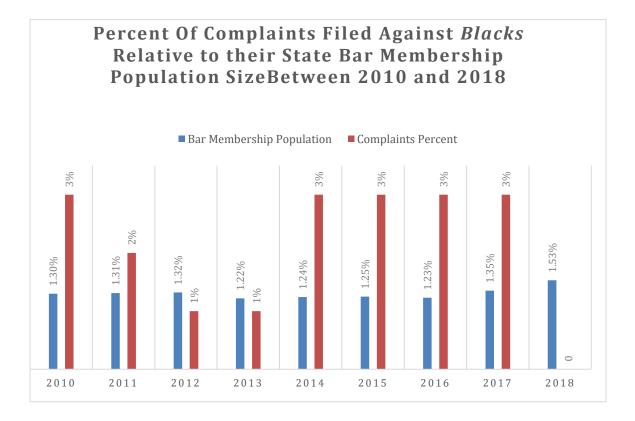
When we look at complaints by race and ethnicity from 2009 to 2018, we see that Whites and Hispanics continue to be the groups most likely to be the subject of complaints. However, Hispanic and Black bar members are receiving sanctions that are significantly higher than their bar membership levels while Whites are receiving sanctions that on average are 20% less than their bar membership levels between 2009 and 2018. Consistent with our overall findings regarding minority members of the bar having experiences that appear to be distinct from other members, members of the bar from these backgrounds are receiving sanctions in some years almost twice as high as their membership levels.

<sup>&</sup>lt;sup>19</sup> The statistical reports prepared by the Disciplinary Board of the Supreme Court break down the data by number of complaints resulting in the saction and the number of individuals involved. Across every year, the number of complaints is larger than the number of individuals involved. It appears that there might be multiple complaints about the same individuals. Also, in the total, demographic categories overestimate final totals of sanctions.









#### **CONCLUSIONS AND RECOMMENDATIONS**

The State Bar of New Mexico's report on the Status of Minority Attorneys in New Mexico provides an opportunity to reflect on the experiences, attitudes, and preferences of the membership at a critical point of time. Much has happened since the data were collected in 2019, including a national movement to call out structural racism and inequality. The state of New Mexico has also faced an unprecedented health pandemic that has fundamentally changed the nature of professional life due to the need to work from home. This context is important, as it may provide the ideal catalyst to address some of the issues we identified in our report that need attention.

One of the major lessons learned from the survey and qualitative data was that in many ways the experiences of the State Bar of New Mexico's members have significantly improved in regard to diversity. Particularly when we are able to make direct comparisons over time, there are some very positive indicators that there has been a lot of progress over the last decade. In fact, many respondents in the study noted that the fact that the State Bar of New Mexico is conducting a study on diversity is reflective of progress. Furthermore, many participants in our focus groups from diverse backgrounds stated that being able to share their experiences was empowering. This suggests to our team that having more regular conversations on these issues, ideally focused on approaches to address these challenges, could lead to positive relationships between a wider number of Bar members and the State Bar of New Mexico.

While survey and focus group participants acknowledge the Bar's efforts to improve diversity and inclusion over the last decade, many followed up with, "we still have a long way to go". This sentiment is reflected in the aforementioned table evaluating the State Bar of New Mexico's job in addressing issues relating to race and ethnicity. Though the percent of respondents evaluating the Bar as being excellent or good has slightly increased over the last decade, those who say the State Bar of New Mexico is doing a fair or poor job has also increased since 2009. In particular, the data made clear that many Bar members feel that they face unfair or discriminatory treatment in their professional lives due to their gender, race, ethnicity, sexual orientation or other identities.

The study also revealed examples of micro-aggressions that can lead to significant harm to professionals who experience them. For example, the report identified a high rate of lawyers from diverse communities, and particularly female lawyers from diverse racial and ethnic backgrounds, who are mistaken for administrative and/or custodial staff by other members of the bar. The Bar could consider conducting training on how to avoid harming colleagues with micro-aggression like this, and encourage employers to require this training for all employees.

The large survey sample allowed for a deep investigation into these unfortunate and negative experiences, that at their extreme, have caused some members to leave positions and consider leaving the profession. This helped reveal the tremendous variation that exists within the diverse communities that comprise the Bar's membership. This is most apparent when we look at the intersectional challenges faced by women of color, and the unique experiences of Bar members who come from the Native American, African American, and Asian American communities.

There is a sentiment that members of the Hispanic community may occupy a privileged position among communities of color in the legal profession in the state. Latinas also have higher salaries than women of other racial and ethnic backgrounds including White women. This may be reflective of the overall socio-political climate in New Mexico, a state that has had two consecutive Latinas elected as Governor when no other state has elected a Latina as Governor.

Numerous data points from the survey results emphasize the need to apply an intersectional analytical framework to address issues of diversity and inclusion in the Bar moving forward. One example from the survey found that while balancing the demands of a legal professional career is difficult across race and gender, women of color in the profession were 2 times more likely to change their family planning behaviors by postponing children due to these demands.

The promotion of remote and flexible work arrangements could allow a greater number of lawyers interested in raising children to not have to consider working in part-time positions or changing career goals to have a family. These flex-schedules or flexible work arrangements also can lead to greater work-life balance and job satisfaction. This is important given that the report includes strong evidence that many female attorneys struggle to find a sense of balance between their work and personal lives. Although a movement toward more flexible work situations will take time to be widely integrated, the current COVID-19 crisis has allowed many law firms, government institutions, and non-profits to evaluate the feasibility of having large numbers of their staff work from home. This could accelerate a transition toward increased flexibility in this area if challenges to working from home are identified and addressed.

Likewise, as recommended directly from Bar members, the State Bar of New Mexico must start changing the culture of law firms as well as courtrooms. According to respondents, implicit bias in the judicial system is far too common. As highlighted in the report, lawyers of color in the profession not only felt discrimination personally from courtroom staff and opposing counsel, but also perceived that their minority clients were treated less favorably than their white clients. Unfortunately, the data from this report showed that perceptions have worsened over 10 years. The findings in the report also suggest that racism and discrimination play a huge role in the culture of promotion and career advancement. For example, members of color were almost 3 times more likely to feel they had to play down their race in order to receive advanced career opportunities.

By recognizing that lawyers from diverse backgrounds have varied experiences, the State Bar of New Mexico can address the unique challenges that specific sub-groups of the overall membership have and be mindful of not treating these communities as monolithic.

Recommendations from the Committee on Diversity are included below and fall within three main categories: (1) Fighting Discrimination and Increasing Awareness; (2) Increasing Diversity; and (3) Fostering Inclusivity. There is a fourth category of recommendations, which fall under the category of "Administrative Recommendations."

## **COMMITTEE ON DIVERSITY'S RECOMMENDATIONS**

#### **Fighting Discrimination and Increasing Awareness:**

• The State Bar of New Mexico should work with the New Mexico Disciplinary Board and the New Mexico Judicial Standards Commission to ensure that attorneys are educated on New Mexico Rule of Professional Conduct 16-804(G) and Code of Judicial Conduct Rule 21-203. Rule 16-804(G) states it is professional misconduct for a lawyer to:

> engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, or marital status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline, or withdraw from a representation in accordance with Rule 16-116 NMRA. This paragraph does not preclude legitimate advice or advocacy consistent with these rules.

The Committee Commentary to the Rule further states that "discrimination and harassment by lawyers in violation of Paragraph G undermine confidence in the legal profession and the legal system. *Such discrimination includes harmful verbal or physical conduct that manifests bias or prejudice towards others.*" (Emphasis added.)

Code of Judicial Conduct Rule 21-203(B) states:

[a] judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, religion, color, national origin, ethnicity, ancestry, sex, sexual orientation, gender identity, marital status, spousal affiliation, socioeconomic status, political affiliation, age, physical or mental handicap or serious medical condition; and shall not permit court staff, court officials, or others subject to the judge's directional control, to do so.

- In addition to education on Rule of Professional Conduct 16-804(G) and Code of Judicial Conduct Rule 21-203(B), the State Bar of New Mexico should work with the New Mexico Disciplinary Board and the New Mexico Judicial Standards Commission to encourage attorneys and judges to comply with the mandatory reporting requirements in the Rules of Professional Conduct and Code of Judicial Conduct if they experience or witness discrimination that violates Rules 16-804(G) and 21-203(B).
- The State Bar of New Mexico should recommend and advocate for a change to the Rules for Minimum Continuing Legal Education, and specifically, Rule 18-

201, to require some portion of annual or biannual credit requirements be devoted to subjects dealing with diversity, inclusion, cultural competency, and elimination of bias. Several states already have such a requirement, including California, Florida, Minnesota, Illinois, Missouri, New York, and West Virginia. To support this rule change, the State Bar of New Mexico should offer CLE programming throughout the year, to include programming during its Annual Meeting, on diversity, inclusion, cultural competency and elimination of bias topics. The State Bar of New Mexico already offers some CLEs on these topics, including the Committee on Diversity in the Legal Profession's annual symposium on diversity topics. Many other local and national organizations, such as the American Bar Association, also offer this type of programming throughout the year making it feasible for attorneys to obtain and fulfill this credit.

- In light of the survey findings showing that more than 20 percent of respondents feel judges view work from racial/ethnic attorneys differently than white attorneys, the State Bar of New Mexico should also collaborate with and support any efforts by the New Mexico Judicial Education Center to provide ongoing trainings and legal education programming on diversity, inclusion, cultural competency, and elimination of bias to the state judiciary.
- The State Bar of New Mexico should encourage the New Mexico Supreme Court to adopt a system for compiling information on litigants, such as gender, race/ethnicity, LGBTQ status, and case outcome to determine whether there are disparities in outcomes for these groups.

# Increasing Diversity: As the report shows, despite New Mexico being a majority minority state, attorneys of color remain underrepresented in the New Mexico Bar. The following are recommendations to address this disparity.

- The State Bar of New Mexico should continue to support the Committee on Diversity in the Legal Profession's bar exam coaching program, which matches diverse applicants with licensed attorneys in New Mexico who serve as the applicants' coaches as they prepare for the bar exam. Coaches do not teach the bar exam, but rather offer support and hold applicants accountable to their study plans. This program has been in effect since February 2017, and data on applicant pass rates reflects success with respect to bar passage. For example, in February 2020, 100% of the repeat applicants who participated in the coaching program passed the bar exam. 70% of the applicants who participated in the program, including first timers and repeaters, passed the exam. The Committee on Diversity in the Legal Profession should engage in a thorough review of the coaching program to determine how to expand the program and assist more applicants, as well as improve program effectiveness.
- The State Bar of New Mexico's Committee on Diversity in the Legal Profession should continue to work with the Board of Bar Examiners, the UNM School of Law, and other stakeholders, to explore alternative paths to admission to the bar. This should be done to address the disparities in pass rates for people of color, and

most specifically, the alarmingly low pass rates for Native American applicants. The stakeholders should examine barriers to bar passage that may negatively affect diversity in the New Mexico bar and develop recommendations to address those barriers.

• The State Bar of New Mexico should continue its support of initiatives and programs, including pipeline programs, aimed at increasing diversity in the New Mexico bar. This includes continued support financially and administratively for the nationally recognized Arturo Jaramillo Summer Law Clerk Program, which offers diverse law students at the UNM School of Law the opportunity to clerk for various legal employers. The State Bar should continue its partnership with the New Mexico Supreme Court to support the Judicial Clerkship Program that provides diverse law students with opportunities for clerkships. The State Bar should also support the efforts of other legal organizations and diverse bar associations who have programs aimed at increasing diversity in the legal profession, including, but not limited to, the New Mexico Hispanic Bar Association's Summer Law Camp program for diverse middle school students, which is co-sponsored by the State Bar of New Mexico's Young Lawyers Division.

#### Fostering Inclusivity:

- The State Bar of New Mexico's Standing Committee on Wellness should collaborate with the New Mexico Lawyers and Judges Assistance Program (JLAP) to provide support for attorneys on the impact of racial trauma and discrimination, including discrimination against LGBTQ attorneys and attorneys with disabilities, because this issue is highly connected to attorney wellness. Programs aimed specifically at attorney wellness and diversity issues help foster inclusivity for diverse attorneys and attorneys with disabilities in the New Mexico bar. This offered assistance should be promoted at the same level that JLAP promotes assistance for other mental health issues and addiction. The Committee on Diversity in the Legal Profession, the Standing Committee on Wellness and JLAP are already collaborating on a special committee aimed at producing programming on these issues, and we recommend that this work continue in the future.
- The State Bar of New Mexico should also work with JLAP to promote the availability of resources for attorneys who experience discrimination so that they are aware that they have help and support.
- The State of Bar of New Mexico should continue to offer CLE programs on diversity and inclusion that provide opportunities for all attorneys to educate themselves on these issues and create a safe space for discussions on racial and social justice issues, which impact members of the State Bar. The State Bar of New Mexico should aim to increase its CLE programs on these issues and provide such programs throughout the year, including at its Annual Meeting.

- The State Bar of New Mexico should develop a plan for targeted outreach to diverse attorneys to encourage their participation in the State Bar's committees, sections, divisions and the Board of Bar Commissioners. All State Bar of New Mexico committees, sections and divisions should actively engage in recruiting efforts to seek to increase the diversity of their memberships and promote diverse members into leadership positions within the committees, sections and divisions. The Board of Bar Commissioners should require each committee, section and division to report on its efforts to increase the diversity of its membership and leadership in its annual report. Committees, sections and divisions should be advised each year of this requirement, and the State Bar of New Mexico should support the committees, sections and divisions in meeting these goals by offering ideas and providing resources, including support from and collaboration with the Committee on Diversity in the Legal Profession.
- Also, all State Bar of New Mexico committees, sections and divisions should consider incorporating diversity and inclusion topics in their events and CLE programming, as well as including diverse attorneys as presenters. The Board of Bar Commissioners should require each committee, section and division to report on its efforts to include diversity related programming in their events and CLEs, as well as their efforts to include diverse presenters, in its annual report. Committees, sections and divisions should be advised each year of this requirement, and the State Bar of New Mexico should support the committees, sections and divisions in meeting these goals by offering ideas and providing resources, including support from and collaboration with the Committee on Diversity in the Legal Profession.
- The State Bar of New Mexico should consider offering diversity and inclusion resources to law firms and other legal employers in New Mexico, such as trainings on implicit bias and other diversity and inclusion topics. In light of the renewed interest in dialogues on racial and social justice, the State Bar should endeavor to become a meaningful resource for New Mexico's legal employers to help initiate these conversations and increase awareness of these critically important topics. The Committee on Diversity in the Legal Profession already offers implicit bias trainings, and these could be shared via webinar for various law firms or other legal employers. The Committee on Diversity in the Legal Profession should also compile a list of presenters who can be contacted for presentations, trainings and conversations on diversity issues, such as implicit bias, as well as other resources on anti-racism, diversity and inclusion.
- Given the alarming findings concerning the experiences of women of color attorneys in the New Mexico Bar, as well as other national surveys indicating that women of color leave the legal profession at higher rates than other attorneys, the State Bar of New Mexico should compile further information on the needs of women of color attorneys and what can be done to improve their experiences in the bar, such as a mentorship program or other initiatives. A subcommittee focused on women of color attorneys should be established with relevant

stakeholders to establish additional recommendations on issues impacting women of color.

- There is currently no diverse bar association for Asian or South Asian (Indian) attorneys. The Committee on Diversity in the Legal Profession should develop a plan for targeted outreach to attorneys who self-identify in these categories to encourage their participation in the Committee and to connect with other diverse attorneys in the New Mexico bar.
- The Committee on Diversity in the Legal Profession should collaborate with the diverse bar associations and the diverse law student organizations to support and promote each group's various programs and events. The Committee on Diversity in the Legal Profession should also organize joint events among the diverse bar associations and law student groups at the University of New Mexico School of Law to foster collaboration among diverse attorneys, and particularly, to offer support for attorneys who comprise a much smaller percentage of the diverse attorneys in New Mexico, such as black, Native American and Asian attorneys.

#### Administrative Recommendations:

• The Committee on Diversity in the Legal Profession recommends that it prepare a supplemental report focusing specifically on several critical issues identified in this decennial report, including findings pertaining to the judiciary, women of color attorneys, LGBTQ attorneys and intersectionality (i.e., attorneys who may experience additional barriers or obstacles to success and inclusion due to their overlapping racial, gender, and/or LGBTQ status). Some of the findings pertaining to the judiciary, women of color and LGBTQ attorneys have been addressed in these recommendations, but these areas stand out as requiring additional study and potential recommendations.

With respect to the judiciary, the 2019 data shows an increase from 2009 in both non-Hispanic minority attorneys and White attorneys who believe that the work of ethnic/racial attorneys is judged differently by judges, including 38 percent of non-Hispanic attorneys who responded to the survey. Also, less than half (40 percent) of non-Hispanic minority attorneys believe that the judicial selection system is fair to racial/ethnic minority applicants. Further, 53 percent of respondents believe that racial/ethnic minority clients receive less favorable treatment in the judicial system than White clients. Given these findings, and the New Mexico Supreme Court's recent establishment of a Commission on Equity and Justice, it seems appropriate to focus on these findings and provide a supplemental report.

The number of LGBTQ attorneys and attorneys with disabilities who reported discrimination is disturbing. More than 60 percent of LGBTQ attorneys reported facing unfair treatment or discrimination in their legal careers in New Mexico. About the same percentage of attorneys with disabilities reported the same. Over

20 percent of LGBTQ attorneys and nearly 30 percent of attorneys with disabilities reported leaving a position due to discrimination.

The study reveals that, in many ways, women of color face some of the most significant obstacles in the practice of law in New Mexico. Women of color are more likely to be mistaken for a paralegal, administrative or custodial staff person than men and white women. Latinas and other women of color were also more likely to believe that they were treated unfairly by opposing counsel due to their gender and their racial or ethnic background. Nearly 20 percent of Latinas and just over 20 percent of other women of color reported direct experience with discrimination from court staff. Women of color also reported that their professional opportunities were limited due to discrimination to a greater extent than either Hispanic men or White females, and they were among the groups with the highest rates of having to leave a position due to experiencing discrimination. Women of color are more likely to have delayed starting a family due to career demands than women overall, and Latinas were most likely to report having had the demand of their legal career contribute to a divorce or separation (nearly 50%). One of the most concerning findings of the study is that non-Hispanic minority women report the lowest average annual salary.

Given the importance of these issues, the supplemental report would be released earlier than the Committee on Diversity in the Legal Profession's interim, fiveyear report.

- The Committee on Diversity in the Legal Profession should provide an annual update to the Board of Bar Commissioners and the New Mexico Supreme Court on its progress in implementing these recommendations. This should help to provide accountability for the Committee and to maintain momentum between the Committee's decennial reports.
- The State Bar of New Mexico should create a staff position devoted to diversity and inclusion efforts by the State Bar and its committees, sections and divisions. This type of position exists within other legal organizations/institutions, law firms and bar associations. For example, the UNM School of Law has an Assistant Director for Diversity and Public Service, and the Connecticut Bar Association also has a Director of Diversity and Human Resources. The Connecticut Bar Association's Director of Diversity is responsible for supporting and assisting that bar's Diversity & Inclusion Committee in the execution and delivery of its programs and initiatives. The Director also serves as a resource to the Bar Association's committees, sections and staff liaisons to establish programming focused on promoting diversity, inclusion and elimination of bias, and develops strategies to recruit diverse leaders in the Bar Association.

The Committee on Diversity in the Legal Profession envisions that a diversity director at the State Bar of New Mexico would focus on supporting the Committee on Diversity in the Legal Profession's and the Committee on Women in the Legal Profession's initiatives, as well as other State Bar diversity and inclusion efforts. The staff member would serve as a liaison both within the State Bar of New Mexico's organizational structure and externally with members, the UNM School of Law, law firms, other legal entities, and the judiciary on diversity and inclusion efforts and resources.

Over the years, the Committee on Diversity in the Legal Profession's role has evolved and its work has taken on new importance, particularly in light of the recent movement for racial and social justice. The Committee's original purpose of preparing a decennial report on the status of minority attorneys in New Mexico remains, but the Committee's focus has expanded to include numerous other projects and initiatives. The Committee now houses the Arturo Jaramillo Summer Clerkship program, which was previously administered by the UNM School of Law. The Committee also coordinates a bar exam coaching program, which provides coaches for diverse applicants for each bar exam in February and July. In addition, the Committee, along with the State Bar of New Mexico's Young Lawyers Division and the New Mexico Supreme Court, is now administering a judicial clerkship program for diverse applicants. Aside from these programs, the Committee organizes an annual, full-day diversity symposium, and it provides frequent cultural competency/implicit bias CLEs for the Bridge the Gap mentorship program. The Committee often presents CLEs at other times during the year, such as at the State Bar's Annual Meeting. The Committee has also committed to more frequent reports on the status of diversity in the New Mexico Bar, including, at minimum, a 5-year interim report. All of these programs have been implemented since the last decennial report in 2009.

It should be noted that the co-chairs of the Committee on Diversity, as well as the leaders of other committees, divisions and sections, are volunteers. Chairs often hold their positions for only a short period of time, and rarely for as long as it takes to complete each decennial report prepared by the Committee. This turnover in both leadership and members makes continuity of efforts, including implementation of the decennial report's recommendations difficult. A position devoted to diversity initiatives would help with continuity and transitions in leadership.

The Committee recognizes the excellent work done by current staff members who staff the Committee on Diversity and the Committee on Women. However, those staff members are also responsible for staffing other committees, sections and divisions, which limits their ability to focus exclusively on diversity and inclusion. Given the importance of these issues, and what will hopefully be an unprecedented time of action, the Committee on Diversity in the Legal Profession encourages the State Bar of New Mexico to devote sufficient resources to meet the need for an enhanced focus on diversity and inclusion efforts.

### **Our Research Team**

**Brooke Abrams** is a health policy doctoral fellow at the Center for Social Policy and a PhD candidate in the Department of Political Science at the University of New Mexico. Brooke's primary research initiatives largely exist under the purview of criminal justice and lie at the intersection of police brutality, race and ethnicity politics, and the social determinants of health among African American communities. Her contributions have advanced criminal justice law reform and reflect a multidisciplinary approach to promoting, protecting and enhancing the health and well-being of vulnerable populations in the U.S.

**Violette Cloud** is a recent JD graduate from UNM School of Law and a PhD graduate student in Psychology who works as a research assistant with the Latino Decisions Research Firm. Violette studies substance use and addiction and is interested in addressing the law and policy inequities around alcohol and other drugs in order to improve the treatment and prevention systems in rural and poor communities. Violette is also a UNM Center for Social Policy Fellow and a policy analyst for the Native American Budget and Policy Institute. Violette is from Southwest Colorado; she is an enrolled member of the Navajo Nation and a descendant of the Southern Ute Tribe.

**Claudia Rodríguez** is an analyst at Latino Decisions. She is a graduate of the University of California-Los Angeles, where she obtained a B.A. in Psychology and Political Science. Claudia collaborates with clients on research design, implementation, and data analysis for quantitative and qualitative projects. She also provides culturally-appropriate Spanish translations of research instruments to generate comprehensive analyses of Latino public opinion, mobilizing, and messaging efforts.

**Gabriel R. Sanchez** (PhD) is the Executive Director of the UNM Center for Social Policy, a Professor of Political Science, and Founding Member of the Native American Budget and Policy Institute at the University of New Mexico. Professor Sanchez is also a Principal at Latino Decisions and is a nationally recognized expert in survey methodology and racial and ethnic politics.

## State Bar of New Mexico 2019 Diversity Report Appendix

# American <a>Z</a> <a>Decisions</a>

## **Full Topline Results**

D1. We are interested in getting information from both active and inactive members of the State Bar who have practiced law in New Mexico over the course of their career. Do you practice law primarily in New Mexico, or did you practice law primarily in New Mexico before letting your membership become inactive?

Currently practice law primarily in NM80
Have practiced law primarily in NM, but not currently
practicing in New Mexico
Don't Know

D2. How long have you been a lawyer?

5 years or less1	4
6-10 years	3
11-15 years	2
16-20 years	1
Over 20 years	0
Don't Know	

D3. How long have you been practicing law in New Mexico?

5 years or less	
6-10 years	
11-15 years	
16-20 years	
Over 20 years	
Don't Know	

D4. What is your practice setting?

Sole practitioner	23
Small firm (2-5)	14
Medium firm (6-10)	5
Large firm (11+)	11
Judiciary	10
Other government	25
In-house counsel	4
Legal aid/nonprofit	4
Other	2
Don't Know	2

D5. Do you work full-time or part-time?

Full-time	
Part-time	14
Don't Know	4

Family obligations	12
Unable to find full-time	
Lifestyle choice	
Other	
Don't Know	

D7. In which of the following areas do you practice? [Check all that apply]

ADR/Mediation/Arbitration12
Bankruptcy/Debtor/Creditor/Consumer
Business/Corporations
Constitutional/Civil Rights14
Criminal
Environmental/Natural Resources9
Estate Planning/Taxation/Probate/Wills13
Family/Domestic Relations15
General Practice
Government Sector
Health4
Indian/Gaming
Labor/Employment
Real Property/Landlord-Tenant16
Torts/PI/Property Damage
Workers' Compensation
Appeals13
Children
Elder
Intellectual Property/Patent/Entertainment
International/Immigration
Public
Social Security
Sports1
Trial Practice
Judiciary10
Other
Don't Know/NA2

D8. Does/did your spouse also work in the legal profession?

Yes	21
No	78
Don't Know	.1

D9. [If D8=Yes] Which of the following best reflects your income in comparison to your spouses?

My spouse makes more money than I do
My spouse and I make about the same amount of money
I make more money than my spouse
Don't Know

D10. Has working in the legal profession here in New Mexico had any impact on your ability or decision to not get married?

Yes, working in the legal profession in New Mexico has had an impact, making it
difficult to get married
Yes, working in the legal profession in New Mexico has had an impact, but it hasn't
made it difficult to get married
No, working in the legal profession in New Mexico has had no impact on my ability
or decision to get married
Don't Know

D11. Did challenges associated with your career in the legal profession have an impact on your divorce or separation?

Yes	
No	56
Don't Know	2

D12. Do you practice in New Mexico State Courts?

Yes	73
No	
Don't Know	

D13. [If D12=Yes] What percentage of your practice is done in State Courts?

32% or less	19
33% to 49%	6
50% to 74%	
75% or more	
Don't Know	

D14. Do you practice in Federal Courts?

Yes	43
No	
Don't Know	2

D15. [If D14=Yes] What percentage of your practice is done in Federal Courts?

32% or less	71
33% to 49%	9
50% to 74%	9
75% or more	
Don't Know	-

D16. Which of the following best describes your status in the State Bar of New Mexico?

Active status member of the Bar	
Inactive/Not Looking to activate membership	
Inactive/Planning to activate membership	
Don't Know	

D17. [If D16=2 or 3] Which of the following best explains why you are currently an inactive status member of the State Bar of New Mexico?

The cost of membership	7
The continuing legal education requirements	8
I am retired/do not need membership	41
Personal/Family obligations	2
Trouble finding work as an attorney	1
No longer wanted to be an attorney	3
Other Reason	
Don't Know	1

Q1. What kinds of family-oriented amenities does your employer make available?

Family health care coverage	.62
Childcare on-site or other childcare assistance	
Paid parental leave	25
Unpaid parental leave	.19
Part-time or flex-time work	
Work from home or off-site arrangements	.34
Other	
None	

Q2. Do you feel that having children has had a positive impact on your career, such as being viewed as a more stable employee or as someone who will stay with your employer for a long-time compared to co-workers without children?

Yes	41
No	47
Don't Know	12

Q3. Do you feel that having children has had a negative impact on your career, such as being turned down for partner or treated the same way as your co-workers without children?

Yes	
No	63
Don't Know	9

Q4. Have you found it difficult balancing the demands of your career and being a good mother or father?

Yes	5
No	L
Don't Know	L

Q5. Have you decided to either not have children or postpone having children due to the demands of your career or a desire to make a career milestone, such as making partner in your firm?

No78	Yes	16
	No	78
Don't Know6	Don't Know	6

We would like to ask you some questions about your experiences in the legal profession here in New Mexico by asking you to indicate whether any of the following situations have ever happened to you during your legal career in New Mexico.

Q6. Have you ever been mistaken for a paralegal, administrative, or custodial staff-person?

Yes	41
No	
Don't Know	4

Q7. Have you ever been asked to perform non-legal or administrative tasks on more than one occasion, such as scheduling meetings, taking minutes of meetings, or planning office parties?

Yes	
No	41
Don't Know	

Q8. Have you ever been denied access to the same networking opportunities that your colleagues at similar stages in their career had access to?

Yes	23
No	69
Don't Know	

Q9. Have you ever been denied access to the same high profile or lucrative assignments that your colleagues at similar stages in their career had access to?

Yes	
No	65
Don't Know	9

Q10. Have you worked on trial or hearing preparation?

Yes	95
No	4
Don't Know	1

Q11. Did you have the opportunity to sit first or second chair for the trial or hearing you prepared?

Yes	93
No	6
Don't Know	2

Q12. Have you ever sat first or second chair in litigation at all?

Yes	
No	10
Don't Know	2

Q13. Have you ever led a deposition?

Yes	71
No	28
Don't Know	1

Q14. Have you ever been asked to perform community service-oriented tasks such as serving on boards or committees on behalf of the company that your colleagues at similar stages in their career had access to?

Yes	
No	
Don't Know	7

Q15. [If Q14 = Yes] Were you given credit for these community service efforts in your performance evaluations?

Yes	53
No	
Don't Know	15

Q16. Do you ever feel as though you have had to contradict core cultural or family values in order to succeed in the legal profession here in New Mexico?

Yes	23
No	73
Don't Know	4

Q17. Do you ever feel you have to play down your race or ethnicity in order to get ahead or advance in your career in the legal profession?

Yes	20
No	77
Don't Know	3

Q18. Do you ever feel you have to play down your gender in order to get ahead or advance in your career in the legal profession?

Yes	
No	
Don't Know	2

Q19. Earlier you noted that you were bilingual, we are interested in how this skill has impacted, if at all, your legal career here in New Mexico. Which statement comes closest to your experience practicing law here in New Mexico?

Q20. Have you ever been treated unfairly or personally experienced discrimination in your career in the legal profession here in New Mexico because of your race, ethnicity, gender, age, sexuality, being an immigrant, or your religious heritage?

Yes	40
No	
Don't Know	

Q21. [IF ITEM Q20=Yes] We are interested in the nature of the discrimination experiences that you have had in your legal career here in New Mexico. Has the discrimination or unfair treatment that you have experienced been based on any of the following factors? [Check all that apply]

Racial background or ethnicity	42
Skin color	20
Gender, gender identity	65
Sexual orientation/sexuality	9
Immigration status	2
Religion/religious preference	13
Accent, language	5
Any other reason	15
Don't Know	

Q22. Have you experienced or witnessed demeaning comments or actions in the course of dealings with opposing counsel?

Yes, I have witnessed demeaning comments/action45
Yes, I have experienced demeaning comments/actions
No, I have not witnessed or experienced demeaning/actions comments 37
Don't Know4

Q23. [IF Q22 =1] In your opinion, were you unfairly treated by opposing counsel because of your [Check all that apply] in the most recent experience you had?

Racial background or ethnicity	21
Skin color	9
Gender, gender identity	49
Sexual Orientation/ Sexuality	5
Immigration status	1
Religion/religious preference	
Accent, language	3
Any other reason	
Don't Know	

Q24. [IF Q22=1] What was the race of the person who discriminated against you in the most recent experience with opposing counsel?

White	64
Native American Indian	1
Black/African American	1
Asian/Pacific Islander	*
Hispanic/Latino	19
Don't Know	

Q25. [IF Q22=1] What was the gender of the person who discriminated against you in the most recent experience with opposing counsel?

Male78
Female13
Don't Know9

Q26. [IF Q22=1 or 2 & D15=2, 3 or 4] Did this experience occur while you were practicing in a state or magistrate court, a federal court, or have you experienced demeaning comments or action in state, magistrate, and federal courts?

State Court	52
Magistrate Court	2
Federal Court	
State, Magistrate and Federal Courts	13
Don't Know	

Q27. In your career in the legal profession here in New Mexico, have you experienced or witnessed have discrimination from Court staff?

Yes, I have witnessed demeaning comments/action	15
Yes, I have experienced demeaning comments/actions	
No, I have not witnessed or experienced demeaning/actions comments	75
Don't Know	5

Q28. [Q27=1], In your opinion, which of the following personal characteristics may have been the reason that you were unfairly treated by court staff in the most recent experience you had? [Check all that apply]

Racial background or ethnicity	57
Skin color	9
Gender, gender identity4	9
Sexual Orientation/ Sexuality	9
Immigration status	5
Religion/religious preference	8
Accent, language	8
Any other reason	20
Don't Know1	0

Q29. [IF Q27=1] What was the race of the person who discriminated against you in the most recent experience with court staff?

White	52
Native American Indian	1
Black/African American	1
Hispanic/Latino	35
Don't Know	12

Q30. [IF Q27=1] What was the gender of the person who discriminated against you in the most recent experience with court staff?

Female
Don't Know8

Q31. [IF Q27=1 or 2 & D15=2, 3 or 4] Was this experience while you were practicing in a state or magistrate court, a federal court, or have you experienced demeaning comments or actions in state, magistrate and federal courts?

State Court	66
Magistrate Court	
Federal Court	
State, Magistrate and Federal Courts	
Don't Know	

Q32. Do you believe the work of female attorneys is judged differently from the work of male attorneys by: [Please check all that apply].

Clients	40
Judges	35
Colleagues	
Supervisors	28
Any other reason	
No discrimination	
Don't Know	

Q33. Do you believe the work of ethnic/racial minority attorneys is judged differently from the work of white attorneys by: [Please check all that apply]

Clients	3
Judges	3
Colleagues	
Supervisors	)
Any other reason	
No discrimination	)
Don't Know19	)

Q34. Do you believe ethnic/racial minority clients receive less favorable treatment in the judicial system compared to white clients?

Yes	.53
No	.36
Don't Know	.11

Q35. Do you believe White attorneys attain partnership status faster than racial/ethnic minority attorneys?

Yes	
No	
Don't Know	27

Q36. Do you believe male attorneys attain partnership status faster than female attorneys?

Yes	52
No	27
Don't Know	21

Q37. Do you think the New Mexico judicial selection system has been fair to ethnic/racial minority applicants?

Yes	51
No1	8
Don't Know	21

Q38. Do you think the New Mexico judicial selection system has been fair to female applicants?

Yes	6
No	5
Don't Know	n.
	9

Q39. In your legal career here in New Mexico, have you left a position as an attorney because of discrimination you have experienced?

Yes	14
No	
Don't Know	

Q40. [If Q39 =Yes] Approximately when did you leave this position?

In the past 5 years	47
Between 5 and 10 years ago	
More than 10 years ago	
Don't Know	

Q41. [IF Q39=1] In your opinion, what was the basis of the discrimination in your opinion that led you to leave your position? (Check all that apply)

Ethnicity	27
Race	
Gender	70
Sexual orientation	8
Religion	8
Age	24
A disability	4
Being an immigrant	*
Other (Please Specify)	
Don't Know	1

Q42. [IF Q39=1] In your opinion, what was the race of the person who discriminated against you in this experience that led you to leave your position?

White	67
Native American Indian	3
Black/African American	3
Asian/Pacific Islander	*
Hispanic/Latino	25
Don't Know	2

Q43. [IF Q39=1] What was the gender of the person who discriminated against you in this experience that led you to leave your position?

Male	75
Female	25
Don't Know	1
Don't Know	1

Q44. In the past 5 years have you felt that your professional opportunities as an attorney were limited because of discrimination?

Yes	.20
No	.75
Don't Know	6

Q45. [IF Q44=Yes] What was the basis of the discrimination that you felt limited your opportunities (Please check all of the following personal characteristics that you feel apply.)

Ethnicity	
Race	
Gender	
Sexual orientation	
Religion/religious affiliation	
Age	
A disability	
Being an immigrant	
Other	

Q46. In your career in New Mexico, have you considered rejecting an expert witness over concern that the person would not be afforded appropriate credibility as another similarly situated expert based on their racial or ethnic background, gender, immigration status, religious preference, or other personal or physical characteristic?

Racial background or ethnicity	
Skin color	
Gender, gender identity2	
Sexual Orientation/ Sexuality1	
Immigration status	
Religion/religious preference*	
Accent, language	
Any other reason	
No, I have not rejected an expert witness over these concerns 81	
Don't Know11	

Q47. In the past 5 years, do you feel you have received any preferential treatment in the legal profession here in New Mexico based on your racial or ethnic background, gender, immigration status, religious preference, or other personal or physical characteristic?

Ethnicity
Race7
Gender
Sexual orientation
Religion/religious affiliation1
Age4
A disability*
Other1
No preferential treatment75
Don't Know10

Q48. Please rate if you believe the NM State Bar is doing an excellent, good, fair, poor or very poor job addressing issues relating to the following sub-groups of our membership.

	Excellent	Good	Fair	Poor	Very Poor	DK
a. Racial and ethnic minority members of the Bar	17	39	19	4	2	18
b. Female members of the Bar	19	38	19	5	3	16
c. Gay, lesbian, and transgender members of the Bar	13	27	23	7	2	28
d. Members of the Bar with disabilities	11	26	24	7	3	28

Q49. Which of the following best describes your experience with mentoring over your career in the legal profession here in New Mexico?

I have had one mentor in past	21
I currently have a mentor	
I have had multiple mentors	
I have never had a mentor	
Don't Know	4

Q50. [IF Q49= 1,2, or 3] Was your mentor (or mentors) a part of the Bridge the Gap Mentorship Program, or have you had a mentor outside your participation in this program?

Only bridge program mentor	15
Outside a Bridge the Gap mentor	
Don't Know	.2

Q51. [IF Q49=4] What were the primary reasons why you have not had a mentor? Please check all that apply among options provided below.

Did not need one/not interested
Not aware of mentorship program(s)21
No mentors/programs were available
Did not have time to commit to being a mentee
Apprehensive about the implications of having a mentor
Never thought about it
I was not able to find someone willing to serve as a mentor10
Don't Know

Q52. [IF Q49=1 or 3] How would you characterize the experience you had with your mentor? If you have had more than one mentor, please reference the mentor you have had the most experience with when considering your answer to this question.

I had a great experience/my mentor helped me become a better
lawyer and improved my career76
I had a negative experience/the mentorship was not worth my time
investment2
While generally positive, I could have had a better experience21
Don't Know

Q53. [IF Q49=1 or 2] Was your mentor of your same gender?

Yes64	
No	

Q54. [IF Q53= 2, 88, 99] Would you have preferred to have a mentor that was of your same gender?

Yes	
No	65
Don't Know	16

Q55. [IF Q49=1 or 2] Was your mentor of your same race or ethnicity?

Yes	64
No	
Don't Know	1

Q56. [IF Q55= 2, 88, 99] Would you have preferred to have a mentor that was of your same race or ethnicity?

Yes	21
No	70
Don't Know	

#### Q57. Have you ever been a mentor for another attorney?

Yes, I have mentored one attorney	10
Yes, I have mentored several attorneys	
No, I have never served as a mentor but would like to	
No, I have never served as a mentor and would prefer not to in the future	22
Don't Know	

Q58. Do you serve, or have you served in a leadership role (e.g. committee member/chairperson) in any of the following groups or organizations?

State Bar of New Mexico Board of Bar Commissioners, practice se	ection,
division or committee	19
New Mexico Supreme Court board or committee	18
Local county or district bar association	15
Local diverse bar association	6
CLE presenter	
Any other leadership role	25
No	
Don't Know	2

Q59. [If response to Q58 = No] Which of the following best reflects why you have not served in a leadership role?

I have not had an opportunity to serve in a leadership position because of my gender
I have not had an opportunity to serve in a leadership position because of my race or ethnicity
I have not had an opportunity to serve in a leadership position because of my sexual orientation*
Another reason

Q60. We are seeing many New Mexicans changing sectors in the labor market. How about you? Are you currently considering leaving the legal profession here in New Mexico?

Yes	25
No	68
Don't Know	7

**Methodology Statement:** American Decisions randomly interviewed 1,564 members of the New Mexico Bar Association drawn from a representative file of 10,068 active or retired members, yielding an overall response rate of 15.5%. The survey was conducted on-line and was available in English or Spanish and carries a +/-2.5% margin of error. Upon completion, the data were weighted to match the demographic distributions as defined by the overall member database population. The survey was conducted from to July 26, 2019 - September 6, 2019 and averaged 20 minutes in length for completion.

# American <a>Decisions</a>

#### Topline Results for Female Members of the Bar - Latinas and Women of Color

Q1. We are interested in getting information from both active and inactive members of the State Bar who have practiced law in New Mexico over the course of their career. Do you practice law primarily in New Mexico, or did you practice law primarily in New Mexico, or did you practice law primarily in New Mexico before letting your membership become inactive?

	Total	Female	Latinas	Women of Color
Currently practice law primarily in NM	80%	81%	86%	79%
Have practiced law primarily in NM, but not currently practicing in New Mexico	19%	19%	14%	21%
Don't Know/NA	1%	*%	*%	*%

Q2. How long have you been a lawyer?

rong have you been a r	-	Female	Latinas	Women of Color
5 years or less 6-10 years 11-15 years	14% 13% 12%	17% 15% 14%	24% 13% 13%	23% 13% 13%
16-20 years Over 20 years Don't Know/NA	11% 50% *%	14% 40%	17% 33%	18% 33%

Q3. How long have you been practicing law in New Mexico?

	Total	Female	Latinas	Women of Color
5 years or less	23%	27%	29%	32%
6-10 years	15%	16%	15%	17%
11-15 years	11%	13%	13%	13%
16-20 years	10%	13%	16%	14%
Over 20 years	40%	30%	27%	24%
Don't Know/NA	1%	*%	-	-

Q4. What is your practice setting?

at is your practice setting		Female	Latinas	Women of Color
Sole practitioner	23%	19%	16%	17%
Small firm (2-5)	14%	14%	13%	9%
Medium firm (6-10)	5%	5%	5%	5%
Large firm (11+)	11%	9%	8%	4%
Judiciary	10%	12%	14%	11%
Other government	25%	28%	29%	37%
In-house counsel	4%	3%	3%	3%
Legal aid/nonprofit	4%	7%	9%	10%
Other	2%	2%	2%	2%
Don't Know/NA	2%	1%	1%	1%

Q5. Do you work full-time or part-time?

	Total	Female	Latinas	Women of Color
Full-time Part-time	82% 14%	83% 13%	92% 6%	84% 10%
Don't Know/NA	4%	5%	2%	6%

#### Q6. Why do you work part-time?

y do you work part-trime:	Total	Female	Latinas	Women of Color
Family Obligations Unable to find full-time work	12% 4%	28% 8%	21% 9%	15% -
Lifestyle choice Other Don't Know/NA	56% 36% *%	51% 29% 1%	35% 29% 6%	52% 33% -

т	otal	Female	Latinas	Women of Color
- ADR/Mediation/Arbitration	12%	11%	8%	8%
Bankruptcy/Debtor/ Creditor/Consumer	6%	5%	5%	7%
Business/Corporations	19%	14%	12%	14%
Constitutional/Civil Rights	14%	14%	12%	13%
Criminal	26%	24%	26%	32%
Environmental/Nat Resources	9%	7%	6%	8%
Estate Planning/Taxation/ Probate/Wills	13%	13%	11%	9%
Family/Domestic Relations	15%	19%	14%	17%
General Practice	17%	12%	13%	11%
Government Sector	19%	21%	20%	25%
Health	4%	6%	6%	6%
Indian/Gaming	4%	4%	3%	11%
Labor/Employment	14%	15%	15%	14%
Real Property/Landlord- Tenant	16%	12%	11%	11%
Torts/PI/Property Damage	20%	16%	15%	12%
Workers' Compensation	4%	4%	2%	3%
Appeals	13%	12%	9%	12%
Children	8%	10%	9%	12%
Elder	4%	6%	5%	5%
Intellectual Property/ Patent/Entertainment	3%	3%	3%	2%
International/Immigration	2%	3%	4%	5%
Public	9%	10%	10%	13%
Social Security	2%	3%	5%	3%
Sports	1%	*%	1%	1%
Trial Practice	24%	17%	16%	15%
Judiciary	10%	10%	11%	11%
Other	4%	5%	5%	8%
Don't know/NA	2%	1%	1%	3%

Q8. Does/did your spouse also work in the legal profession?

	Total	Female	Latinas	Women of Color
Yes No	21% 78%	23% 76%	21% 76%	22% 73%
Don't know/NA	1%	1%	3%	5%

Q9. Which of the following best reflects your income in comparison to your spouse's? Women of

	Total	Female	Latinas	Color
My spouse makes more money than I do	38%	48%	57%	78%
My spouse and I make about the same amount of	17%	18%	8%	8%
money				
I make more money than my spouse	42%	29%	27%	14%
Don't know/NA	3%	5%	7%	-

Q10. Has working in the legal profession in New Mexico had any impact on your ability or decision to not get married?

	Total	Female	Latinas	Women of Color
Yes working in the legal profession in New Mexico has had an impact, making it difficult to get married.	26%	27%	25%	38%
Yes working in the legal profession in New Mexico has had an impact, but it hasn't made it difficult to get married	10%	8%	8%	7%
No, working in the legal profession in New Mexico has had no impact on my ability or decision to get married.	59%	58%	65%	46%
Don't know/NA	6%	7%	2%	9%

Q11. Did challenges associated with your career in the legal profession have an impact on your divorce or separation?

35%
56%
9%

Q12. Do you practice in New Mexico State courts?

			Latinas	Women of Color
Yes	73%	71%	75%	64%
NO	25%	26%	24%	33%
Don't know/NA	3%	3%	1%	

Q13. What percentage of your practice is done in State courts?

	Total	Female	Latinas	Women of Color
32% or less	19%	19%	16%	24%
33% to 49%	6%	6%	5%	4%
50% to 74%	12%	11%	12%	14%
75% or more	62%	62%	66%	57%
Don't know/NA	1%	1%	1%	2%

Q14. Do you practice in Federal courts?

	Total	Female	Latinas	Women of Color
Yes	43%	36%	37%	34%
No	55%	62%	62%	64%
Don't know/NA	2%	2%	1%	2%

Q15. What percentage of your practice is done in Federal courts?

32% or less 71% 67% 68%   33% to 49% 9% 10% 14%   50% to 74% 9% 9% 6%   75% or more 10% 13% 11%   Don't know/NA 1% 1% 1%	67% 11% 11% 11% -

Q16. Which of the following best describes your status in the State Bar of New Mexico?

	Total	Female	Latinas	Women of Color
Active status member of the Bar	87%	88%	91%	87%
Inactive status/Not planning to activate	10%	9%	6%	11%
membership Inactive status/Planning to activate membership	2%	2%	3%	1%
Don't know/NA	1%	*%	1%	1%

Q17. Which of the following best explains why you are currently an inactive status member of the State Bar of New Mexico?

1	otal	Female	Latinas	Women of Color
-				
The cost of membership	7%	12%	31%	22%
The continuing legal	8%	7%	15%	-
education requirements				
I am retired/do not need	41%	30%	5%	34%
membership				
Personal/Family obligations	5 2%	4%	7%	-
Trouble finding work as	1%	-	-	-
an attorney				
No longer wanted to be	3%	6%	-	9%
an attorney				
Other Reason	36%	40%	42%	35%
Don't know/NA	1%	-	-	-

Q18. What kinds of family oriented amenities does your employer make available?

	Total	Female	Latinas	Women of Color
Family healthcare coverage	62%	64%	71%	65%
Childcare on-site or other childcare assistance	4%	3%	5%	4%
Paid parental leave Unpaid parental leave Part-time or flex-time	25% 19%	24% 20%	35% 21%	28% 22%
Part-time or flex-time work	31%	32%	35%	30%
Work from home or off- site arrangements	34%	37%	42%	36%
Other	7%	8%	6%	9%
None	24%	21%	15%	23%

Q19. Do you feel that having children has had a positive impact on your career, such as being viewed as a more stable employee or as someone who will stay with your employer for a long-time compared to co-workers without children?

	Total	Female	Latinas	Color
Yes	41%	21%	25%	30%
No	47%	67%	59%	51%
Don't know/NA	12%	12%	15%	19%

Q20. Do you feel that having children has had a negative impact on your career, such as being turned down for partner or not being treated the same way as your co-workers without children?

	Total	Female	Latinas	Women of Color
Yes	28%	48%	38%	40%
NO	63%	42%	51%	45%
Don't know/NA	9%	10%	12%	15%

Q21. Have you found it difficult balancing the demands of your career and being a good mother or father?

	Total	Female	Latinas	Color
Yes	78%	88%	87%	89%
NO	21%	10%	8%	9%
Don't know/NA	1%	2%	5%	3%

Q22. Have you decided to either not have children or postpone having children due to the demands of your career or a desire to make a career milestone, such as making partner in your firm?

	Total	Female	Latinas	Women of Color
Yes	16%	28%	33%	37%
NO	78%	67%	62%	56%
Don't know/NA	6%	5%	5%	7%

Q23. We would like to explore your experiences in the legal profession by asking you to indicate whether any of the following situations have ever happened to you during your legal career in New Mexico? Have you ever been mistaken for a paralegal, administrative, or custodial staff-person?

	Total	Female	Latinas	Women of Color
Yes	41%	68%	72%	72%
NO	55%	29%	25%	24%
Don't know/NA	4%	4%	3%	4%

Q24. Have you ever been asked to perform non-legal or administrative tasks on more than one occasion, such as scheduling meetings, taking minutes of meetings, or planning office parties?

~

	Total	Female	Latinas	Women of Color
Yes	56%	67%	73%	70%
No	41%	30%	25%	28%
Don't know/NA	3%	3%	3%	2%

Q25. Have you ever been denied access to the same networking opportunities that your colleagues at similar stages in their career had access to?

	Total	Female	Latinas	Color
Yes	23%	38%	44%	43%
NO	69%	52%	47%	45%
Don't know/NA	8%	10%	9%	12%

Q26. Have you ever been denied access to the same high profile or lucrative assignments that your colleagues at similar stages in their career had access to?

	Total	Female	Latinas	Women of Color
Yes	26%	41%	45%	49%
NO	65%	50%	46%	44%
Don't know/NA	9%	9%	9%	8%

Q27. Have you worked on trial or hearing preparation?

	Total	Female	Latinas	Color
Yes	95%	95%	96%	96%
NO	4%	4%	3%	3%
Don't know/NA	1%	*%	1%	1%

Q28. Did you have the opportunity to sit first or second chair for the trial or hearing you prepared?

	Total	Female	Latinas	Color
Yes	93%	90%	90%	88%
No	6%	8%	9%	12%
Don't know/NA	2%	2%	2%	-

Q29. Have you ever sat first or second chair in litigation at all?

	Total	Female	Latinas	Women of Color
Yes	88%	86%	86%	84%
No	10%	13%	13%	15%
Don't know/NA	2%	1%	2%	1%

Q30. Have you ever led a deposition?

lave you ever	ieu a c	•	Female	Latinas	Women of Color
Yes		71%	63%	60%	53%
NO		28%	35%	38%	44%
Don't know/M	١A	1%	2%	2%	3%

Q31. Have you ever been asked to perform community service-oriented tasks such as serving on boards or committees on behalf of the company that your colleagues at similar stages in their career had access to?

	Total	Female	Latinas	Color
Yes	56%	54%	58%	51%
No	37%	39%	35%	43%
Don't know/NA	7%	7%	7%	6%

Q32. Were you given credit for these community service efforts in your performance evaluations?

	Total	Female	Latinas	Women of Color
Yes	53%	48%	43%	47%
No	32%	35%	39%	43%
Don't know/NA	15%	17%	17%	10%

Q33. Do you ever feel as though you have had to contradict core cultural or family values in order to succeed in the legal profession here in New Mexico?

	Total	Female	Latinas	Women of Color
Yes	23%	32%	35%	41%
No	73%	62%	57%	52%
Don't know/NA	4%	5%	8%	7%

Q34. Do you ever feel you have to play down your race or ethnicity in order to get ahead or advance in your career in the legal profession?

	Total	Female	Latinas	Color
Yes	20%	20%	34%	38%
No	77%	76%	62%	57%
Don't know/NA	3%	4%	4%	5%

Q35. Do you ever feel you have to play down your gender in order to get ahead or advance in your career in the legal profession? Women of

	Total	Female	Latinas	Color
Yes	29%	57%	58%	53%
NO	69%	40%	38%	43%
Don't know/NA	2%	3%	5%	5%

Q36. Earlier you noted that you were bilingual. We are interested in how this skill has impacted, if at all, your legal career here in New Mexico. Which statement comes closest to your experience practicing law here in New Mexico?

	Total	Female	Latinas	Color	
Been an asset to my legal career and has led to greater opportunities and a higher salary	51%	49%	55%	50%	
Not had a negative or positive impact on my legal career	42%	44%	36%	47%	
Not led to greater career opportunities or pay AND has led to discrimination or unfair treatment due to my accent	4% t	5%	7%	3%	
Don't know/NA	3%	2%	1%	-	

Q37. Have you ever been treated unfairly or personally experienced discrimination in your career in the legal profession here in New Mexico because of your race, ethnicity, gender, age, sexuality, being an immigrant, or your religious heritage?

	Total	Female	Latinas	Women of Color
Yes	40%	63%	69%	57%
NO	55%	33%	27%	36%
Don't know/NA	5%	4%	4%	7%

Q38. Has the discrimination or unfair treatment that you have experienced been based on any of the following factors?

	Total	Female	Latinas	Color
Read all heads were down	420/	270/		
Racial background or	42%	27%	55%	55%
ethnicity	/			
skin color	20%	11%	13%	24%
Gender, gender identity	65%	86%	82%	75%
Sexual Orientation/	9%	7%	12%	10%
Sexuality				
Immigration status	2%	1%	2%	3%
Religion/religious pref	13%	8%	8%	11%
Accent, language	5%	3%	7%	4%
Any other reason	15%	17%	14%	16%
Don't know/NA	1%	1%	1%	3%
	- / 0			0,0

Q39. Have you experienced or witnessed demeaning comments or actions in the course of dealings with opposing counsel?

	Total	Female	Latinas	Women of Color
Yes, I have witnessed demeaning comments/ action	45%	55%	60%	53%
Yes, I have experienced demeaning comments/ actions	36%	53%	57%	51%
No, I have not witnessed or experienced demeaning/ actions comments	37%	23%	20%	29%
Don't know/NA	4%	3%	3%	3%

Q40. In your opinion, were you unfairly treated by opposing counsel because of your [check all that apply] in the most recent experience you had?

	Total	Female	Latinas	Women of Color
Racial background or	21%	15%	32%	39%
ethnicity				
Skin color	9%	7%	12%	21%
Gender, gender identity	49%	83%	86%	76%
Sexual Orientation/	5%	5%	7%	8%
Sexuality	0,0	5,0	.,.	0,0
Immigration status	1%	1%	1%	2%
Religion/religious	5%	1%	2%	3%
preference				
Accent, language	3%	2%	4%	4%
Any other reason	26%	20%	18%	21%
Don't know/NA	15%	7%	6%	9%

Q41. What was the race of the person who discriminated against you in the most recent experience with opposing counsel?

Total	Female	Latinas	Color
64%	73%	83%	77%
1%	1%	1%	-
1%	*%	-	-
*%	*%	1%	-
19%	16%	9%	12%
15%	9%	6%	10%
	64% 1% 1% *% 19%	64% 73% 1% 1% 1% *% *% *% 19% 16%	1% 1% 1% 1% *% - *% *% 1% 19% 16% 9%

Q42. What was the gender of the person who discriminated against you in the most recent experience with opposing counsel?

Total	Female	Latinas	vomen or Color
78%	93%	93%	87%
13%	5%	7%	12%
9%	2%	-	1%
	78% 13%	78% 93% 13% 5%	13% 5% 7%

Q43. Did this experience occur while you were practicing in a state or magistrate court, a federal court, or have you experienced demeaning comments or actions in state, magistrate and federal courts?

	Total	Female	Latinas	Women of Color
State Court	52%	54%	43%	49%
Magistrate Court	2%	1%	-	-
Federal Court	20%	22%	18%	30%
State, Magistrate and	13%	15%	32%	21%
Federal Courts Don't know/NA	12%	7%	7%	-

Q44. In your legal career here in New Mexico, have you experienced or witnessed discrimination from court staff?

	Total	Female	Latinas	Women of Color
Yes, I have witnessed demeaning comments/ action	15%	19%	18%	17%
Yes, I have experienced demeaning comments/ actions	10%	14%	18%	23%
No, I have not witnessed or experienced demeaning/ actions comments	75%	71%	69%	66%
Don't know/NA	5%	4%	6%	4%

Q45. In your opinion, which of the following personal characteristics may have been the reason that you were you unfairly treated by court staff in the most recent experience you had?

	Total	Female	Latinas	Women of Color
Racial background or ethnicity	37%	28%	49%	48%
Skin color	19%	16%	30%	31%
Gender, gender identity	49%	75%	82%	68%
Sexual Orientation/	9%	8%	13%	12%
Sexuality				
Immigration status	5%	5%	11%	9%
Religion/religious	8%	4%	4%	4%
preference				
Accent, language	8%	5%	13%	7%
Any other reason	20%	21%	22%	21%
Don't know/NA	10%	2%	2%	4%

Q46. What was the race of the person who discriminated against you in the most recent experience with court staff?

	Total	Female	Latinas	Women of Color
White	52%	60%	69%	67%
Native American Indian	1%	*%	-	-
Black/African American	1%	-	-	-
Hispanic/Latino	35%	33%	26%	27%
Don't know/NA	12%	7%	4%	6%

Q47. What was the gender of the person who discriminated against you in the most recent experience with court staff?

	Total	Female	Latinas	Women of Color
Male	53%	66%	58%	57%
Female	39%	31%	42%	41%
Don't know/NA	8%	3%	_	2%

Q48. Was this experience while you were practicing in a state or magistrate court, a federal court, or have you experienced demeaning comments or actions in state, magistrate and federal courts?

	Total	Female	Latinas	Women of Color
State Court	66%	66%	87%	100%
Magistrate Court	3%	4%	13%	-
Federal Court	18%	22%	-	-
State, Magistrate and	11%	4%	-	-
Federal Courts				
Don't know/NA	2%	4%	-	-

Q49. Do you believe the work of female attorneys is judged differently from the work of male attorneys by clients, judges, colleagues, or supervisors?

	Total	Female	Latinas	Women of Color
Clients	40%	56%	62%	61%
Judges	35%	48%	46%	51%
Colleagues	37%	52%	51%	56%
Supervisors	28%	42%	46%	51%
Any other reason	3%	3%	4%	4%
No discrimination	30%	14%	15%	12%
Don't know/NA	11%	7%	6%	5%

Q50. Do you believe the work of ethnic/racial minority attorneys is judged differently from the work of white attorneys by clients, judges, colleagues, or supervisors?

	Total	Female	Latinas	Women of Color
Clients	28%	35%	43%	51%
Judges	23%	28%	36%	38%
Colleagues	25%	32%	39%	45%
Supervisors	19%	26%	34%	37%
Any other reason	3%	4%	1%	4%
No discrimination	40%	29%	29%	21%
Don't know/NA	19%	20%	12%	13%

Q51. Do you believe ethnic/racial minority clients receive less favorable treatment in the judicial system compared to white clients?

	Total	Female	Latinas	Color
Yes	53%	62%	67%	72%
No	36%	25%	22%	16%
Don't know/NA	11%	13%	11%	13%

Q52. Do you believe White attorneys attain partnership status faster than ethnic/racial minority attorneys?

	Total	Female	Latinas	Women of Color
Yes	36%	46%	59%	63%
NO	37%	27%	21%	18%
Don't know/NA	27%	27%	20%	19%

Q53. Do you believe male attorneys attain partnership status faster than female attorneys?

	Total	Female	Latinas	Women of Color
Yes	52%	74%	71%	78%
NO	27%	10%	13%	7%
Don't know/NA	21%	16%	16%	15%

Q54. Do you think the New Mexico judicial selection system has been fair to ethnic/racial minority applicants?

	Total	Female	Latinas	Color
Yes	61%	55%	49%	41%
No	18%	20%	28%	30%
Don't know/NA	21%	25%	23%	29%

Q55. Do you think the New Mexico judicial selection system has been fair to female applicants?

	Total	Female	Latinas	Women of Color
Yes	66%	57%	52%	52%
NO	15%	20%	26%	21%
Don't know/NA	20%	22%	22%	27%

Q56. In your legal career here in New Mexico, have you left a position as an attorney because of discrimination you have experienced? Women of

	Total	Female	Latinas	Color
Yes	14%	24%	27%	30%
NO	84%	74%	69%	65%
Don't know/NA	2%	2%	4%	4%

Q57. Approximately when did you leave this position?

	Total	Female	Latinas	Women of Color
In the past 5 years Between 5 and 10 years ago	47% 20%	46% 24%	47% 31%	45% 30%
More than 10 years ago Don't know/NA	32% *%	30% 1%	22%	25%

 $\ensuremath{\mathtt{Q58}}$  . In your opinion what was the basis of the discrimination that led you to leave your position?

	Total	Female	Latinas	Women of Color
Ethnicity	27%	20%	45%	47%
Race	23%	13%	26%	31%
Gender	70%	88%	85%	83%
Sexual orientation	8%	7%	12%	8%
Religion	8%	4%	10%	4%
Age	24%	25%	30%	28%
A disability	4%	2%	2%	4%
Being an immigrant	*%	1%	2%	2%
Other	15%	15%	10%	8%
Don't know/NA	1%	*%	1%	1%

Q59. What was the race of the person who discriminated against you in this experience that led you to leave your position?

	Total	Female	Latinas	Color
White	67%	68%	64%	62%
Native American Indian	3%	2%	2%	4%
Black/African American	3%	3%	2%	7%
Asian/Pacific Islander	*%	1%	-	2%
Hispanic/Latino	25%	24%	28%	22%
Don't know/NA	2%	2%	4%	3%

Q60. What was the gender of the person who discriminated against you in this experience that led you to leave your position?

	Total	Female	Latinas	Color
Male	 74%	79%	77%	 79%
Female	25%	20%	21%	21%
Don't know/NA	1%	1%	2%	-

Q61. In the past 5 years have you felt that your professional opportunities as an attorney were limited because of discrimination?

	Total	Female	Latinas	Women of Color
Yes No	20% 75%	28%	34% 58%	 39% 50%
Don't know/NA	6%	7%	8%	10%

Q62. What was the basis of the discrimination that you felt limited your opportunities? Please check all of the following personal characteristics that you feel apply.

	Total	Female	Latinas	Women of Color
Ethnicity	37%	25%	50%	47%
Race	32%	17%	30%	38%
Gender	64%	82%	81%	80%
Sexual orientation	10%	7%	10%	11%
Religion/	6%	3%	2%	3%
Religious affiliation				
Age	33%	34%	34%	34%
A <sup>´</sup> disability	6%	4%	2%	2%
Being an immigrant	1%	1%	3%	3%
Other	10%	12%	10%	12%

Q63. In your career in New Mexico, have you considered rejecting an expert witness over concern that the person would not be afforded appropriate credibility as another similarly situated expert based on their racial or ethnic background, gender, immigration status, religious preference, or other personal or physical characteristic? Women of

	Total	Female	Latinas	Color
Racial background or ethnicity	4%	3%	5%	7%
Skin color	3%	2%	3%	5%
Gender, gender identity	2%	3%	4%	6%
Sexual Orientation/	1%	1%	2%	2%
Sexuality				
Immigration_status	1%	1%	2%	2%
Religion/religious	*%	*%	1%	1%
preference				
Accent, language	3%	3%	4%	5%
Any other reason	2%	2%	3%	3%
No, I have not rejected	81%	79%	74%	72%
an expert witness over these concerns				
Don't know/NA	11%	14%	17%	16%

Q64. In the past 5 years, do you feel you have received any preferential treatment in the legal profession here in New Mexico based on your racial or ethnic background, gender, immigration status, religious preference, or other personal or physical characteristic? Women of

	Total	Female	Latinas	Color
- the design of the second s				
Ethnicity	5%	6%	5%	8%
Race New	7%	8%	2%	4%
Gender Ne	8%	6%	6%	6%
Sexual orientation	2%	1%	2%	1%
Religion/religious	1%	1%	-	-
affiliation				
Age	4%	3%	2%	2%
A <sup>¯</sup> disability	*%	*%	-	-
Other	1%	2%	*%	1%
No preferential	75%	72%	78%	75%
treatment				
Don't know/NA	10%	11%	12%	12%

Q65. Please rate the job the State Bar of New Mexico is doing: Racial and ethnic minority members of the Bar

	Total	Female	Latinas	Women of Color
Excellent	17%	12%	11%	9%
Good	39%	38%	40%	38%
Fair	19%	23%	24%	24%
Poor	4%	5%	9%	9%
Very Poor	2%	3%	5%	7%
Don't know/NA	18%	20%	11%	14%

Q66. Please rate the job the State Bar of New Mexico is doing: Female members of the Bar

	Total	Female	Latinas	Women of Color
Excellent	19%	10%	9%	8%
Good	38%	40%	40%	38%
Fair	19%	25%	25%	27%
Poor	5%	7%	10%	8%
Very Poor	3%	4%	6%	8%
Don't know/NA	16%	14%	9%	11%

Q67. Please rate the job the State Bar of New Mexico is doing: Gay, lesbian, and transgender members of the Bar

	Total	Female	Latinas	Women of Color
Excellent	13%	7%	5%	3%
Good	27%	23%	20%	22%
Fair	23%	28%	24%	22%
Poor	7%	9%	10%	9%
Very Poor	2%	3%	5%	7%
Don't know/NA	28%	31%	35%	36%

Q68. Please rate the job the State Bar of New Mexico is doing: Members of the Bar with disabilities  $% \left[ \left( {{{\left[ {{\left( {{{\left[ {{\left( {{{\left( {{{}}} \right]}} \right)}} \right.} \right.}}}} \right]} \right]$ 

	Total	Female	Latinas	Women of Color
Excellent	11%	6%	5%	5%
Good	26%	21%	17%	19%
Fair	24%	28%	25%	26%
Poor	7%	9%	11%	7%
Very Poor	3%	4%	7%	7%
Don't know/NA	28%	31%	34%	37%

Q69. We are interested in learning more about the role of mentoring across the state's membership. Which of the following best describes your experience with mentoring over your career in the legal profession here in New Mexico?

	Total	Female	Latinas	Color
I have had one mentor in	21%	22%	23%	24%
the past				
I currently have a	4%	5%	5%	7%
mentor				
I have had multiple	36%	36%	41%	39%
mentors	50/0	50/0	11/0	33/0
I have never had a	35%	34%	29%	28%
	22/0	54%	29/0	20/0
mentor	40/	20/	20/	20/
Don't know/NA	4%	3%	2%	2%

Q70. Was your mentor (or mentors) a part of the mandatory Bridge the Gap Mentorship Program, or have you had a mentor outside your participation in this program?

	Total	Female	Latinas	Women of Color
Only a Bridge the Gap	15%	19%	20%	20%
mentor Outside a Bridge the Gap mentor Don't know/NA	82%	80%	79%	79%
	2%	1%	1%	1%

Q71. What were the primary reasons why you have not had a mentor?

	Total	Female	Latinas	Women of Color
Did not need one/not interested	24%	19%	18%	17%
Not aware of mentorship program(s)	21%	22%	23%	23%
No mentors/programs were available	28%	30%	31%	34%
Did not have time to commit to being a mentee	4%	4%	11%	7%
Apprehensive about the implications of having a mentor	3%	3%	7%	9%
Never thought about it I was not able to find someone willing to serve as a mentor	29% 10%	24% 13%	16% 17%	26% 7%
Don't know/NA	5%	6%	3%	2%

Q72. How would you characterize the experience you had with your mentor? If you have had more than one mentor, please reference the mentor you have had the most experience with when considering your answer to this question.

	Total	Female	Latinas	Women of Color	
I had a great experience/ my mentor helped me become a better lawyer and improved my career	76%	73%	80%	74%	
I had a negative experience/the mentorship was not worth my time investment	3%	4%	4%	6%	
While generally positive, I could have had a better experience	21%	22%	16%	21%	
Don't know/NA	1%	*%	-	-	

Q73. Was your mentor of your same gender?

nus your	merreor	0.	your	Sume	genae	••		Women of
					Total	Female	Latinas	
Yes					64%	48%	44%	34%
NO					36%	52%	56%	66%

Q74. Would you have preferred to have a mentor that was of your same gender?

	Total	Female	Latinas	Women of Color
Yes	18%	28%	24%	22%
No	65%	55%	54%	52%
Don't know/NA	16%	18%	22%	27%

Q75. Was your mentor of your same race or ethnicity?

	Total	Female	Latinas	Women of Color
Yes	64%	60%	31%	20%
No	35%	38%	63%	79%
Don't know/NA	1%	2%	6%	2%

Q76. Would you have preferred to have a mentor who was of your same race or ethnicity?

	Total	Female	Latinas	Women of Color
Yes	21%	19%	27%	33%
NO	70%	69%	61%	50%
Don't know/NA	10%	13%	12%	16%

	Total	Female	Latinas	Women of Color
Yes, I have mentored one	10%	11%	14%	11%
attorney Yes, I have mentored	41%	37%	36%	44%
several attorneys No, I have never served as a mentor but would like to	21%	23%	24%	20%
No, I have never served as a mentor and would prefer not to in the	22%	25%	22%	21%
future Don't know/NA	5%	5%	4%	4%

Q78. Do you serve, or have you served in a leadership role (e.g. committee member/chairperson) in any of the following groups or organizations?

	Total	Female	Latinas	Color
State Bar of New Mexico Board of Bar Commissioners, practice section, division or committee	19%	19%	25%	23%
New Mexico Supreme Court board or committee?	18%	15%	11%	15%
Local, county, or district bar association	15%	10%	10%	9%
Local diverse bar association?	6%	8%	16%	14%
CLE presenter	42%	39%	37%	32%
Any other leadership role No Don't know/NA	25% 34% 2%	22% 36% 2%	25% 36% 2%	24% 35% 3%

Q79. Which of the following best reflects why you have not served in a leadership role?

	Total	Female	Latinas	Women of Color
I have not had an opportunity to serve in a leadership position because of my gender	2%	3%	2%	4%
I have not had an opportunity to serve in a leadership position because of my race or ethnicity	1%	*%	-	2%
I have not had an opportunity to serve in a leadership position because of my sexual orientation	*%	*%	1%	1%
Another reason Don't know/NA	65% 31%	68% 28%	64% 33%	65% 27%

Q80. We are seeing many New Mexicans changing sectors in the labor market. How about you? Are you currently considering leaving the legal profession?

	Total	Female	Latinas	Women of Color
Yes	25%	29%	23%	32%
NO	68%	65%	72%	62%
Don't know/NA	7%	6%	5%	6%

# American Decisions Focus Group Summary Statistics

Following the survey, American Decisions conducted five focus groups with members of the State Bar of New Mexico to explore themes that emerged from the survey and address any gaps in the populations covered in the survey's sample.

Below is a summary of the demographic profile of the 28 participants of the five groups administered by American Decisions.

### Race/Ethnicity

- 9 Native American participants
- 3 Asian American participants
- 5 African American participants
- 6 Hispanic participants
- 5 Non-Hispanic White participants

### Gender

- 24 Female participants
- 4 Male participants

### Region of New Mexico

- 14 participants were from rural counties of the state
- 14 participants were from Bernalillo County

### Age Group

- 9 participants were in the age group 29-44
- 10 participants were in the age group 45-63
- 9 participants were in the age group 64+

### LGBTQ Status

• 2 Participants were members of the LGBTQ community

### Law School

- 16 participants graduate from UNM
- 12 participants were graduates from other institutions