

Latham Teams Up With 'Appellate Project' In Diversity Push

By Justin Wise

Law360 (April 8, 2021, 12:07 PM EDT) -- The general lack of diversity inside the legal industry has been apparent to those in the profession for some time now, and, according to Latham & Watkins LLP partner Roman Martinez, the problem has been "particularly pronounced" at the appellate court level.

Even as representation incrementally improved over the last couple of decades, the progress has been slower among appellate counsel, Martinez, a member of Latham's Supreme Court and appellate practice, told Law360 Pulse.

A new partnership formalized this week between Latham and The Appellate Project is designed to bolster the nonprofit group's efforts to strike at that problem.

The Appellate Project launched in September 2020 with the goal of improving ethnic and racial diversity among lawyers and judges in appellate courts, where decisions "often disproportionately impact communities of color," according to the group. Its work involves educational outreach to law students from underrepresented backgrounds, as well as mentoring and networking opportunities.

The new partnership, announced Tuesday, includes what Latham described as a "significant" financial contribution to help fund the group's programs. Latham is also planning to host two annual workshops on the appellate litigation field and to continue participating in one-on-one mentorship programs already established by the group.

The firm also has reserved a spot for a second-year law student in the group's inaugural 2023 "incubator" fellowship program for the firm's own summer associate program.

Juvaria Khan, The Appellate Project's founder and executive director, told Law360 Pulse that the partnership will allow the group to expand offerings to meet demand "that has far outsized what our current capacity is."

"It's huge to have that support," said Khan, who is currently the organization's only full-time employee.

Khan said the impetus behind forming The Appellate Project stemmed from her own experience as a first-generation law student of color and civil rights litigator. She said she didn't know about the importance of judicial clerkships until after she graduated and later gained a sense that the "insular" world of appellate litigation was excluding a significant part of society.

"If you don't see anyone in this space [that looks like you], the message is you don't belong here," Khan said. "My hope is that this work starts a real conversation about how we think about who's qualified to do appellate work."

Martinez, the deputy managing partner of Latham's Washington, D.C., office, said he and at least one other Latham attorney have been participating in The Appellate Project's mentorship program. The group's website says it has matched over 200 law students with appellate practitioners so far.

Martinez said his own mentoring has focused on what classes to take and how to position yourself for certain judicial clerkships. A clerkship can be a common step for lawyers who end up in the appellate field.

"One of the things I like about it is it's focusing on practical things," Martinez said. "Getting people in the door early."

While there is no racial breakdown for the appellate bar, industry data shows people of color continue to make up a small portion of the associate and partner ranks in the private sector.

People of color made up about 26% of all associates in 2020, marking a 1% increase from the year prior, according to a February report from the National Association for Law Placement. Black associates made up over 5% of all associates and over 2% of all partners last year. Black and Latino women each made up less than 1% of all partners at U.S. law firms, the report found.

The representation in the profession is not lost on those in appellate litigation, Khan noted.

"While I was building this out, probably the most common response I got from the appellate bar was, 'I can't believe something like this doesn't already exist,'" Khan said.

Latham's appellate and Supreme Court practice includes five partners and 12 associates, Martinez said. Attorneys in the practice have presented before various state and federal appeals courts, including 18 times before the U.S. Supreme Court since 2007, according to the firm's website.

Martinez himself has argued nine cases before the high court. He noted that getting a more diverse group of lawyers in those courtrooms starts by simply offering greater resources to people from underrepresented groups early in their careers.

"My big core belief is you want to make sure there's equal opportunity for people to succeed when they have the interest and aptitude to succeed," he said.

--Editing by Alyssa Miller.