

## VSB Does Not Collect Racial or Ethnic Data

How many of Virginia's lawyers identify themselves as African American? Asian? Hispanic?

The Virginia State Bar does not know, because it does not collect that information.

Now, some black attorneys, such as Robert J. Grey Jr. of Richmond, a former president of the American Bar Association, say it's time to start counting, so the bar can evaluate where it stands in attracting diverse people to the profession, evaluate how those lawyers are faring, develop programs to improve shortfalls, and measure the effectiveness of the programs.

"You have to see what kind of progress you're making," Grey said. "At one time, that would have stigmatized you." Now, "I think that's old-school thinking." Enough checks and public scrutiny are in place to detect abusive use of the information. "We've got to develop trust with each other."

Despite the lack of racial and ethnic demographic data, the VSB in 1996 hired Dr. Michael Pratt of Virginia Commonwealth University's Center for Public Policy to study whether certain groups were disproportionately represented in the disciplinary system.

The study had been recommended by Virginia's Joint Legislative Audit and Review Commission to make sure that there were not geographical disparities in the way cases were handled, according to the VSB's 1997-98 *Annual Report*. The VSB Council expanded the query to examine possible disparity on the basis of race, gender, or ethnic background.

Pratt's double-blind study depended on a confidential questionnaire to be filled out by respondents in disciplinary cases. The conclusion? The only statistically significant predictors of who was more likely to be sanctioned were firm size and the number of concurrent complaints the attorney was facing during the study period.

"One might expect that in smaller firms attorneys are more vulnerable to circumstances that affect the flow of their caseloads and practice requirements," according to the study's executive summary. "Also, an attorney who has had a number of complaints received for investigation during a given period of time is likely to have experienced business, professional, and/or personal problems that affected his or her standards of practice."