

Law Firms: Are You Ready for OFCCP to Come Knocking?

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“Glaring,” “concerning,” “troubling,” “problematic,” and “systemic” were some of the words used by OFCCP Director Craig Leen to describe the underrepresentation of women, minorities, and individuals with disabilities at large law firms at an April 10, 2019 [town hall meeting](#) in New York City. Director Leen announced that representation and pay equity issues at law firms and other professional services providers will be an area of focus for OFCCP as early as next fiscal year.

Director Leen indicated that OFCCP will focus on investigating and redressing disparities in the promotion of law firm associates to partner. OFCCP is also expected to examine whether law firm billable hours policies act as an impediment to the advancement of female lawyers and the ability of employees of all genders to take family leave. OFCCP also plans to issue guidance regarding its ability to police practices involving attorneys who are equity partners.

OFCCP’s 2019 listing of contractors selected for audit included five AmLaw 100 law firms for compliance audits. Law firms that are not government contractors may also unexpectedly fall within OFCCP’s jurisdiction if they provide services to government contractor clients that are deemed “necessary” to the performance of a federal government contract.

Director Leen’s announcement comes against the backdrop of several high-profile lawsuits filed by female attorneys, both partners and associates, against some of the nation’s largest firms. These developments show that pay equity and gender discrimination at law firms are in the crosshairs of both private litigants and government agencies. Rather than wait to be the target of a government investigation or lawsuit, law firms should retain outside counsel and undertake comprehensive compliance audits, including reviewing pay equity and promotion rates reviews.

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