

Embracing Diversity: Beyond Statistics

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Most law firms have diversity managers, committees, recruiting policies, procedures, and programs. The best law firms have a top-down commitment to diversity. All of these practices are important, but they may not be sufficient.

What drives success at any law firm? It is all about the work: getting challenging and meaningful assignments for key clients and performing them well. This is where the “rubber hits the road.” To ensure that our diverse attorneys enjoy the greatest chance for success, therefore, we must focus on those who control and perform the work. Specifically, we must ask the internal gatekeepers of career-building assignments, our client relationship managers (CRMs) and team leaders, to support and invest in diverse talent. At the same time, it is crucial for our clients, the source of all of work opportunities, to get to know the attorneys on their outside counsel’s teams, including diverse attorneys, and to provide law firms with the feedback we need to make good decisions about them. Finally, our diverse attorneys, themselves, must strive to exceed expectations with every professional opportunity.

Law Firm Gatekeepers

Law firm managing partners or CEOs have the authority and bully pulpit to promulgate and promote policies and strategies. But we cannot and should not micromanage the staffing of thousands of client relationships and matters in our law firms. Practice group leaders are closer to the action, but face some of the same limitations. By contrast, CRMs and team leaders can and do make staffing choices and work assignments on a daily basis that profoundly and directly control the opportunities of diverse attorneys in law firms. We must influence their decisions.

Accepting that CRMs act in complete good faith and with the best intentions, they are human nonetheless and will default to their comfort zones. This means they tend to work with associates

and more junior partners they have “raised from the cradle” or tested in battle over the years—regardless of whether they are diverse. This is natural, understandable, and may arguably serve our clients’ best interests. But this can also preclude or limit opportunities for diverse lawyers, ultimately disserving our clients’ best interests in having access to the best talent and the many benefits of diverse teams.

To be truly inclusive, CRMs must make a conscious effort to involve more diverse attorneys on their teams. It will not happen by accident. I have seen this proven repeatedly in many contexts in our profession, even within the best-intentioned groups. After all, diverse attorneys do comprise a minority of the attorneys in most law firms. As a result, selecting persons randomly will omit diverse candidates from consideration most of the time. This problem is exacerbated if we “lock in” a team for assignment after assignment that was not diverse at its inception.

So what should CRMs and team leaders do? They must range outside their comfort zones by considering adding new players to their client teams, purposely to diversify them. Of course, every team member must have the requisite skill set and other attributes needed for success. Diverse candidates may not always be available for any given matter or assignment, but they are available more often than we might now think. Further, considering these issues should encourage our CRMs and team leaders to become more aware that they may need to recruit diverse attorneys to fill gaps in their lineup.

Team leaders have opportunities to integrate new personnel into client teams or discrete assignments every day. So they need not displace current team members necessarily. Nor must they take risks they do not already take on a daily basis. They must, however, be more open-minded when selecting teams, and move outside their comfort zones to test new talent.

They could consider adopting a variation on the “Rooney Rule.” Advanced by Pittsburgh Steelers owner Dan Rooney when he became chair of the NFL’s diversity committee, it requires team owners at least to interview diverse candidates for head coaching positions. Developing this habit forces gatekeepers to open their eyes to all the talent in their organizations and to give diverse attorneys a fair shot.

Gatekeepers must also take pains to make all attorneys feel truly welcome on their teams. Too often, diverse attorneys feel socially isolated. They may not be invited to informal lunches, dinners, or other events. Even when inadvertent, this inevitably leads to perceptions of bias, making matters worse. We have to reach across cultural differences to make diverse attorneys feel welcome in “our house,” figuratively and literally.

In-House Counsel

How can our clients move the dial? Many corporate legal departments have programs and initiatives to foster diversity on the part of their outside counsel. These measures may include gathering statistical data from outside counsel, recognizing firms that have good numbers, and encouraging or pressuring outside counsel to use more diverse attorneys on their teams. The most effective programs are true partnerships, more collaborative than coercive.

In-house and outside counsel can partner most effectively by communicating more frequently and more directly about using diverse teams. Too often, clients tend to rely on general statistical information about the diversification of their outside law firms. Aggregate statistics may be useful, but they are insufficient.

In-house counsel must know exactly who is on their client teams and should work to develop a relationship with all team members, not just the CRM. They should talk frankly with CRMs about diverse attorneys at the law firm who might be good candidates to represent the client. Then they should agree to work with the CRMs to invest in these candidates and support their professional development, giving them opportunities for meaningful roles on client teams. This process occurs whenever new members are selected for client teams. Striving for more diverse teams requires only that we introduce diverse attorneys more consciously as opportunities arise.

Equally important, clients must provide frank feedback about diverse attorneys (and all team members for that matter). If a diverse attorney is not a good fit, the client should say so, and everyone can go back to the drawing board. When the opposite is true, and diverse attorneys do great work, in-house counsel should say so—in writing. Sending a note or email to the CRM with a copy to the law firm's managing partner gives law firm leadership powerful information that we can use to make retention and promotion decisions.

Diverse Attorneys

How can diverse attorneys improve their lot at their law firms? Like all successful attorneys, they must perform at the highest levels consistently. This requires a combination of persistence, patience, and passion.

While diverse attorneys may face more obstacles than their majority or male counterparts, they must view the challenge as a driver of success, not cause for despair. If you start with the belief that you cannot succeed, you will likely prove yourself right! Personally, I have always enjoyed being the underdog or fighting against long odds. It is a motivator. Ultimately, law firms and their clients can confer opportunities, but they cannot confer success. That must always be earned.

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