



TECHSHOW2018

Managing Diversity and Multigenerational Issue by Managing Growth and Change in Your Firm

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March 9, 2018

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1. Introduction

Law firms need to learn to grow, adapt and diversify or risk being left behind. But what does it mean to have a diverse law firm? Diversity means a law firm composed of people of different ages, genders, races, sexuality and abilities; and it also means the diversity of ideas, backgrounds, and experiences. A diverse workforce promotes new ideas and experiences, broader clientele reach, different solutions-based approaches to problems, an enriched office experience and increased profits. Successful law firms harness the diversity within their office and use it to their advantage.

2. Trends in Gender and Racial Diversity in Law Firms

In order to harness diversity, law firms need to embrace change. To fight stagnation, change - and a law firm culture that embraces it - is key to a firm's success. The era of law firms being composed solely of white middle aged (or older) males is of the past. Trends show an increase of women and minorities in law firms over the past few decades.



2.1 Increases of Women and Minorities in Law Firm Composition

The U.S. Equal Employment Opportunity Commission (“EEOC”) has reported a substantial increase in African Americans, Asian Americans, Hispanics and women at law firms since 1975. A 2003 EEOC study showed that from 1975 to 2002, professionals in larger firms (those with 100 or more employees) had an increase in women from 14.4% in 1975 to 40.3% in 2002; African Americans from 2.3% to 4.4%; Asian Americans from .5% to 5.3%; and Hispanics from .7% to 2.9%.¹ While the EEOC study is from 2003, it does show growth. Current trends show that women and minorities are continuing to make gains in US law firms albeit slowly. However, it is important to note that while these numbers have grown in the last few years, the percentage of women and minorities in law firms around the US is still lower than it was in 2009 when many firms were forced to do massive layoffs.² Interestingly, in 2016, the American Bar Association released data showing there were more women enrolled in US law school than there were men.³

¹ U.S. Equal Employment Opportunity Commission, Diversity in Law Firms, 2003, <https://www.eeoc.gov/eeoc/statistics/reports/diversitylaw/lawfirms.pdf>, page 2.

² National Association for Law Press Release: Representation of Women and African-Americans Among Law Firm Associates Increases Slightly but Remains Below Pre-recession Levels, December 15, 2017.

³ New York Times, *Women Make Up Majority of U.S. Law Schools For First Time*, December 16, 2016, <https://www.nytimes.com/2016/12/16/business/dealbook/women-majority-of-us-law-students-first-time.html>.

3.



3. Multi-Generational Composition of Firms

In addition to being more racially and gender diverse, law firms are also experiencing a multi-generational employee composition. Today's law firms are not going to have a single homogeneous generation of people working within their walls. To the contrary, law firms, even small firms, are likely to be composed of individuals representing every generation. Generations can be broken down into five categories. The Silent Generation, people born in the 1920's through 1945; the Baby Boomers, people born in 1946 through 1964; Generation X, people born in 1965 through 1980; Millennials people born in 1981 through 1998; and lastly Generation Z, those born 1999-present. It is quite possible that a modern law practice could have staff in all five generational categories since some members of Generation Z are now 18-19 years old. While the lines between these generational groups are not as clearly defined as papers such as these suggest, there are glowing differences between the populations of each group. The Silent Generation experienced the Great Depression and World War II. Baby Boomers experienced the civil rights movement, the moon landing and the Cuban Missile Crisis. Generation X experienced the fall of the Berlin Wall, the rise of technology and personal computers, Watergate and Chernobyl. Millennials experienced Columbine, 9/11, and the expansion of the internet and social media. Then lastly there's Generation Z, a generation that has never known life before WiFi or war in the Middle East. Undoubtedly, the individuals in each of these generational cohorts were molded into who they are by both their experiences and the world in which they grew up. As a result, it is inevitable that there may be personality conflicts, communication barriers, and hurdles to overcome when individuals from these cohorts try to work together. But the differences between these individuals can also bring great success in the workplace. Law firms need to harness the strengths and recognize the weaknesses of each of these groups.



3.1 How Your Firm Can Harness Multigenerational Diversity

- *Delegate Tasks That Play to an Employee's Strengths:* We all have things we're better at. Try to hone in on what each employee excels at. For instance, if one of your younger employees is a wiz at online research, delegate to him/her research projects. Or, go farther and have that employee share their knowledge and assist other employees with such tasks.
- *Match Employees to Clients with Similar Experiences and Values:* This may be obvious, but some clients are going to work better with certain employees. Try to match clients up with employees who they will work well with, which often means those with similar life experiences or common interests.
- *Provide Learning Opportunities for Professional Growth:* We all have weaknesses and areas that need improvement. There will never be an employee who does everything well all the time unless you put some futuristic robots on payroll. Providing employees with opportunities to improve in areas in which they are weaker will benefit your firm and your employees. For instance, a Baby Boomer employee who is slow on digital case research may benefit from a crash course at Lexis Nexis; a Millennial or Generation Z employee might need help fine tuning proper phone etiquette; that Silent Generation Partner who just hates email might benefit from a one-on-one tutorial with a Microsoft Outlook representative. A small opportunity to learn and improve might provide your employee with confidence and relief - and even boost productivity.
- *Create an Internal Mentorship Program:* No matter the size of your firm, pairing up newer employees with more seasoned employees can help bridge relationships at your firm. Mentorship programs are a good way to foster relationships in your firm and create opportunities for employees to learn and grow from one another.



4. How Your Firm Can Manage Growth by Harnessing Diversity

Firms that are more diverse excel in problem solving, innovation and are more competitive. Take some time to evaluate what your firm's diversity makeup is and how you would like to grow.

- 4.1 **Overcome Bias:** Bias is showing favor (or disfavor) to something over another. We all have biases, even if we're not conscious of them. Every minute of every day we have to make decisions. From picking out what to wear in the morning, to choosing what to eat for lunch, to deciding the next step in a case, to hiring a new employee. Our days are filled with choices. Our likes, dislikes and, yes, even our biases help us make these choices. However, biases can stymie a firm's success. Overcoming biases is difficult, especially if you don't even realize you have certain biases. Help your employees, and yourself, become more self-aware about their biases. One way to do this is to provide trainings to employees on overcoming unconscious biases.
- 4.2 **Clearly Communicate Your Firm's Values:** Make sure your firm's message on being pro-diversity is clear. It is your job to communicate a strong message to employees as to what the firm's values are, diversity being one of those values.



- 4.3 **Embrace Technology:** Another change that needs to be embraced is technology. The technology available to law firms today makes law practice so much more streamlined. If you've ever seen *A Miracle on 34th Street*, you've seen the attorney sitting at his desk with volumes of case law texts, reading into a dictaphone. Those days are over. Now, if you want to find cases, all you have to do is go online and you have multiple search avenues at your disposal, at a variety of price points for firms of all sizes. You can save them to your hard drive, a flash drive, a CD etc. No dictaphone required. If lawyers of the past could see the tools we have available today, they would be envious. Their jobs would have been so much easier with our modern 21st century technology. A case that used to take an hour to find in textbooks can be found online in minutes. Yet there are still attorneys out there who won't even use email to communicate. Law firms need to embrace technology and be open to new technology as it develops. Everything from digital research, to case management software, to client and time tracking--there's software or an app for everything.
- 4.4 **Spend Time on Teambuilding:** Yes, time is money. And yes, billable hour quotas are an important benchmark. But your firm's ability to work together as a cohesive team is also important. Law firms need to foster team building. There are many ways to foster a more cohesive, team-focused work environment. Try small things like office lunches or employee birthday celebrations. Or go bigger with company retreats and trainings. If your employees feel they are part of a team, they will be more productive and more loyal.
- 4.5 **Encourage Open Dialogue:** A diverse firm inherently means having a lot of people who are different from each other. Encourage employees of your firm to explore each other's differences through an open dialogue.



5. Increasing Diversity Through Conscious Hiring Efforts

It's clear that law firms are trending more diverse. Your firm can make a conscious effort to increase diversity by making hiring decisions with diversity in mind. Again, keep in mind that diversity can mean a lot of things when it comes to the makeup of your employees. For instance, if your team is general in-house counsel for a large company and everyone on your current team has been in-house their whole careers, then maybe the right move to increase diversity is hiring the candidate who has litigation experience. Their perspective and experiences on the job are likely to be different than other current attorneys who have not had court experience.

One of the biggest hurdles firms need to overcome in the hiring process is how their biases affect how they navigate through the hiring process. As discussed in the previous section, even if we are not conscious of it, our own internal biases affect every decision we make throughout or day. These biases ultimately come into play and affect our decisions in the hiring process. First, figure out what your own internal biases are. The sooner you recognize your biases, the sooner you can take active measures to correct them and prevent them from interfering with your hiring process. Next, standardize your hiring process. Focus on the skills and experience you want your candidate to have without letting your biases interfere. For example, studies have shown that people in charge of hiring will focus in on a candidate's name or gender rather than the applicant's skills or work history. The candidate's name can often lead to conclusions about the candidate's culture or religious affiliation. By keeping the name and gender out of the hands of hiring managers, you minimize the initial potential for biases to come into play. It is also important to evaluate where you post open job positions. If you want to diversify your applicant pool, consider posting the job in different places than your normal channels. For instance, if you want to increase your pool of women applicants, consider posting the job with your state's Women's Bar Association. When hiring, look for individuals with positive energy, enthusiasm and an ability to work with the other members of their office team. Ask about their life experiences and decisions that led them to where they are today.



6. Conclusion

Diversity in your law firm is more than just statistics, it is about having a mindset that embraces diversity as a concept and the richness it can bring. A firm that truly embraces diversity is not seeking its employees simply conform, but rather embraces the differences amongst its employees and uses those differences to their advantage. A law firm that can leverage the strength of ideas and experiences that diversity brings will ultimately be more competitive, productive and successful.

