Articles »

Q&A with ABA President Paulette Brown
By Robert K. Dixon and Ghenete Wright Muir
Our leader talks about her historic presidency and the benefits of diversity in the legal profession.

Join the Pack: An In-Depth Look at NAMWOLF
By Francine Friedman Griesing and Jessica L. Mazzeo
A detailed review of the National Association of Minority and Women Owned Law Firms.

Lessons for the Legal Profession from the Fall 2015 Campus Protests
By Beth Kransberger
A review of the protests, their underlying causes, and recommendations for how attorneys can avoid similar issues in the workplace.

Nine Tips for Building a Diverse and Inclusive Law Firm
By Robert K. Dixon and Ghenete Wright Muir
Attorneys from across the country offer their suggestions.
ARTICLES
Q&A with ABA President Paulette Brown
By Robert K. Dixon and Ghenete Wright Muir

American Bar Association President Paulette Brown, now approaching the midpoint of her presidency, recently spoke with Ghenete Wright Muir, co-editor of the Diversity & Inclusion Committee’s newsletter, to discuss her presidency and the benefits of diversity in the legal profession.

Q: What has been the most memorable highlight of your administration as the ABA president?
A: I have several highlights. One of the highlights was the program “And Justice for All: An ABA Day of Service,” a day to showcase the work of pro bono lawyers across the country. Another highlight of my administration is the opportunity to travel throughout the country and to visit Boys & Girls Clubs while traveling. Also, participating in the Senior Leadership Engagement Program where I spent a week with the military was a great highlight. And, I’m also very excited about the work that the Commission on Diversity and Inclusion is doing.

Q: What would you like to see the Commission on Diversity and Inclusion accomplish during your tenure?
A: The commission will have several accomplishments this year. One is that we will have the three training videos for the judges, prosecutors, public defenders and tool kits to accompany it. We are proposing a couple of resolutions and looking to have those passed. One resolution is for those states that already require mandatory CLE to include CLE requirements for diversity and inclusion. But I have to leave some surprises—there is more to come.

Q: What would you like to see the Commission accomplish after your tenure?
A: The Commission is only for a year. Some commissions last longer but this one is for one year. Significant work will be done during the year but then systems will be put in place so that the things we are seeking to do will be done. We are looking for sustainable growth within diversity and inclusion over the next 10 years. We are creating a 10-year plan that the Center for Racial & Ethnic Diversity and other entities will carry out much of the functions when the Commission is finished.

Q: One of the issues recently raised during oral argument before the Supreme Court in Fisher v. University of Texas—a case involving the school’s affirmative action admissions policy—was whether there are any practical or specific benefits to having diversity in the
classroom. What are some of the practical or specific benefits of having diversity in the legal profession?

A: One of the big benefits is the diversity of opinion and thought. When you have a diverse group of people—especially when you have people of color, women, members of LGBT groups—they are able to resolve more complex issues in a way that a homogenous group is not able to do. When people know it is a diverse group of people they tend to be better prepared because they don’t know what to anticipate, so they try to think of different angles. And as a result of coming better prepared, then better solutions result.

Q: What is the next thing that needs to be done to create more diversity and inclusion in the legal profession?

A: People have to understand that good intentions are not enough. The only thing that should matter is the result, the outcome. And if you are really interested in diversity and inclusion it is something you have to fight for. It is something that doesn’t always come naturally—even though you are a nice person, you are well intended—it is something that you have to constantly work on. It has to be in the front of your mind, it has to be a conscious effort to say, “Am I doing all that is necessary all of the time?” And you also have to understand what unconscious or implicit biases you might have and question yourself all of the time and making sure those implicit biases are not affecting you in any negative way. All of us have biases we want to ensure that our decision-making is not based on upon any biases that we may have.

Q: How has the practice of law changed for women of color over the past several years?

A: I don’t know that it has changed. Only about 2 percent rise to level of partnership. That is one of the things the Commission is looking at; especially in terms of how women and women of color are treated from an economic standpoint.

Q: What advice would you give to young lawyers, and especially attorneys of color?

A: Participate in as many things as you can; both within your particular affinity groups and also in mainstream organizations. I think it’s necessary to be at every table that you can possibly be at so that your voice can be heard. And also because when you’re at the table with different people they have to think about alternatives and other points of view. If you are not at the table then they can continue to do things as they have always done.

Q: What advice would you give to lawyers from diverse backgrounds who would like to become a leader in the American Bar Association?

A: My advice would be to get involved, don’t be afraid to raise your hand, and volunteer. Don’t let people discourage you by saying you’re too young, [or that] you don’t have enough experience. Put yourself out there and when you sign up for a committee and volunteer do as much work as can. Don’t let people tell you what you can’t do!

Q: Is there anything you would like to add before ending this interview?

A: Yes, I’m very excited about the Young Lawyer Tool Kit. The first phase will be launched at the Mid-Year Meeting in February 2016. That will be helpful to lawyers from year 0 to 3, and
then by the Annual [Meeting], the tool kit for lawyers 3 to 6 years will be launched. Then in 2017, the ABA will launch the tool kit for years 6 to 9 and years 8 to 12. I’m very proud and excited.

*The Diversity and Inclusion Committee would like to thank President Brown for all of her hard work and her willingness to share her time and thoughts with us.*

**Keywords:** litigation, diversity, inclusion, Paulette Brown, Commission on Diversity and Inclusion, benefits of diversity, Young Lawyer Tool Kit

Robert K. Dixon is with Wilson Turner Kosmo LLP in San Diego, California. Ghenete Wright Muir is a senior Attorney with The Florida Bar in the Miami and Fort Lauderdale, Florida, area.
Join the Pack: An In-Depth Look at NAMWOLF
By Francine Friedman Griesing and Jessica L. Mazzeo

You may be wondering what “NAMWOLF” is and what it has to do with the practice of law. Contrary to myth, it is not some exotic hybrid animal making a special appearance at your local zoo. Rather, it is a more interesting specimen than that and one every practitioner should know about.

NAMWOLF stands for the National Association of Minority and Women Owned Law Firms, a non-profit trade organization whose mission is to promote diversity in the legal profession by fostering successful relationships among pre-eminent minority- and women-owned law firms and public and private entities. Founded in 2001 by a handful of visionary lawyers and some forward-thinking in-house counsel counterparts, NAMWOLF now has over 150 member firms located across the country, including Puerto Rico. In 2010, NAMWOLF launched the “Inclusion Initiative,” which is a “collaborative effort of forward-looking companies committed to an immediate and measurable increase in the retention of minority- and women-owned law firms by Corporate America.” In its inaugural year, 11 companies pledged to spend $30 million with diverse law firms but exceeded that goal, collectively spending $42.6 million with minority- and women-owned law firms. The latest figures show that in 2014, the Inclusion Initiative had grown to include 30 participating companies that spent $212 million with diverse law firms. Those figures should make all lawyers and clients take notice that the world is changing and diversity and inclusion is not only an important value but also good business.

NAMWOLF membership benefits member firms as well as their corporate partners. As Robin A. Wofford of Wilson Turner & Kosmo LLP and chair of the NAMWOLF board of directors, explained, “Membership in NAMWOLF has exposed my firm and our clients to an extraordinarily talented group of lawyers nationally that are able to provide unparalleled legal services. If you want talented, honest, passionate, real people representing your organization—NAMWOLF has those lawyers.”

NAMWOLF lawyers represent some of the finest our profession has to offer, and our organization is always looking to expand our roster of diverse-owned firms, entice companies and institutions to give us an opportunity to demonstrate our capabilities, and encourage our big-firm counterparts to consider partnering with us, particularly when they need local counsel as we are often well-known and respected by local judges and adversaries. Clients and their stakeholders increasingly recognize the importance and value of promoting diversity and inclusion in our profession and beyond. By tapping into NAMWOLF’s resources, lawyers in all types of settings can further the interests of making our profession truly embracing to all.

Member Firms: Who Are They and What Do They Stand For?
Aspiring members and corporate in-house counsel unfamiliar with the organization may have the misconception that firms can just pay dues and join. That is not the case. NAMWOLF assures that member firms represent the highest-caliber lawyers providing exceptional service in
sophisticated matters. To maintain those standards, a diverse-owned firm interested in becoming a member of the organization should know that the process involves extensive vetting to include only top-tier firms. Some of the criteria for admission include (1) being properly certified by either the National Minority Supplier Development Council or the Women’s Business Enterprise National Council, (2) having at least three full-time attorneys, and (3) obtaining highly favorable client references from national and regional corporations, including corporate references within the Fortune 500. NAMWOLF staff also performs independent research on each prospective firm member, and a law firm committee, which comprises in-house counsel and NAMWOLF law firm members, reviews the collected materials before making a recommendation to the board of directors on an applicant’s qualifications for membership.

Once a firm has been approved for membership, the firm lawyers are able to take advantage of many opportunities afforded to members. NAMWOLF prides itself on its ability to cultivate long-lasting relationships between and among its members and with outside corporate counsel. To foster collegiality and mutual respect, NAMWOLF provides many avenues for member firms and corporate counsel to develop relationships that bring value to both sides of the table. However, like any organization, what is critical to any participant’s success is how much a member firm or a corporate affiliate actively participates in everything the organization has to offer. With NAMWOLF, that is particularly important. That is why our firm, Griesing Law, invested in our NAMWOLF membership from the moment we were admitted. We attended every meeting, joined many committees and subcommittees, and volunteered to help in any way. We understood that it is not enough to merely earn the NAMWOLF accreditation; a firm needs to support its peer firms and in-house counsel colleagues for the affiliation to be worthwhile. Our involvement was critical to the success we hoped to achieve from membership in the organization. Without this commitment, our firm would not have been able to increase its corporate client base or significantly expand its referral network to include contacts around the country. Nor would we have as many friends across the country to which we can turn when our clients need help in places we do not practice. While there are many other opportunities to become fully invested in the organization, two stand out as the most significant: the organization’s Practice Area Committees and organization-wide Business and Annual Meetings and more intimate Regional Meetings.

**Practice Area Committees**

Our firm is a member of three of the organization’s nine Practice Area Committees (PACs), which provide firms the opportunity to network with peers from around the country. The nine PACs are

- Labor and Employment,
- Trials,
- Transactions,
- White Collar Defense and Internal Investigations,
- Insurance,
- Retail, Restaurant and Hospitality,
The PACs consist of member firms concentrating their practice in particular matters working with in-house liaisons to assure the organization is meeting in-house needs in terms of legal services, continuing education, and substantive articles. PACs are also avenues for helping in-house counsel readily identify those lawyers both at firms and at other companies who have expertise in a certain areas of law. But more importantly, they create a foundation of support for member firms to easily identify those colleagues in the organization that practice the same area of law. Linda G. Burwell, founder of member firm National Employment Counsel and PAC Oversight Director at NAMWOLF, echoed this in stating, “NAMWOLF’s vibrant and active Practice Area Committee structure brings focused opportunities to introduce companies’ legal counsel having specific needs to NAMWOLF firms or attorneys who have the specialization in those areas of law. We facilitate events that allow direct and meaningful interaction and opportunities to explore bases for ongoing relationships.” In fact, our firm’s involvement in the PACs has not only helped us refer many of our corporate clients to other firms who possess certain expertise but also has helped us received many referrals from other firms involved in the PACs. These committees create national referral networks, and through peer-to-peer education via PAC-sponsored CLE programs, NAMWOLF firms bolster their reputations as industry thought leaders. Overall, the PACs help corporate partners and law firms to connect on substantive and industry issues of shared interest and enable corporate clients to meet their legal needs efficiently.

In addition, NAMWOLF firms nationwide have banded together regionally to host events that introduce companies in their geographic area to NAMWOLF and member firms. In many instances, these local events are a company’s first exposure to the depth of expertise and wealth of talent available through membership in the organization. The events are often paired with substantive programming so that in-house counsel intrigued by the possibility of meeting a roster of talented diverse-owned firms can actually sample some of NAMWOLF’s treasures at no expense and with a modest time commitment.

Meetings
The organization also promotes its efforts through various regional meetings and two large multiday meetings each year: a business meeting and an annual meeting. The primary objective of the business meeting, which is smaller and less “celebratory” than the annual meeting, is for NAMWOLF, in-house counsel, and member firms to develop strategies to help NAMWOLF advance its mission and achieve its vision. It also focuses on practice areas aligning in-house and law firm lawyers by subject matter expertise.

Over the course of the four-day annual meeting, member firms and in-house counsel have many opportunities to (1) learn about NAMWOLF’s benefits, (2) network with each other at the more than 10 CLE offerings, (3) attend a member firm expo, and (4) enjoy many social functions.
While approximately 350 attorneys attend the business meetings, the annual meeting draws over 700 attorneys. Joel Stern, chief executive officer of NAMWOLF and former deputy general counsel at Accenture, says that for in-house counsel, the business and annual meetings are a “Great way to ‘dip your toes’ into NAMWOLF waters. A very low-risk proposition—no cost to in-house, a variety of CLEs, and our annual meeting features an expo to meet member firms formally or informally. Both meetings also feature several in-house only sessions where in-house can network and talk about diversity and inclusion issues in the legal space along with other issues. Both member firms and corporate counsel that attend typically attend year after year and have frequently commented that these are the best events that they have attended whether involving diversity or otherwise.”

The next business meeting will be in New Orleans in February 2016 and the next annual meeting will be in Houston in September 2016. As always, attendance is free for corporate counsel.

Keywords: litigation, diversity, inclusion, NAMWOLF, minority-owned law firms, women-owned law firms

Francine Friedman Griesing is the founder of Griesing Law, LLC, in Philadelphia, Pennsylvania and cochair of NAMWOLF’s Retail Restaurant & Hospitality PAC. Jessica L. Mazzeo is director of administration of Griesing Law.
Lessons for the Legal Profession from the Fall 2015 Campus Protests
By Beth Kransberger

This past fall, we saw a wave of student protests sweep across 73 college and university campuses. These protests were often sparked by recent incidents of racial harassment, set against a backdrop of ongoing complaints of hostile racial climates at these schools, while others sought to express solidarity with larger national movements for racial justice. Perhaps the most public of these conflicts continues to play out at the University of Missouri, where after months of student complaints, ugly racial incidents, and concerns about the sufficiency of the campus’ responses to them, the state university system president and chancellor of the flagship campus resigned. Despite ongoing media coverage of these incidents, comparatively little reporting has been devoted to the underlying structural conditions that led to the unrest. These unresolved racial justice issues remain embedded in higher education in the United States. Still less exposure has focused on the very predictable and often imminently preventable nature of the issues. While some struggled to understand precisely the culpability of the University of Missouri system president, for example, others pointed to the failures of leadership that led to some of the more toxic environments.

A brief overview of the student protests against racial injustice follows, together with a discussion of the opportunity they provide for self-assessment, both as individuals and as members of the legal profession, itself often described as one of the least inclusive professions in the United States. Responses to the current turbulence in the academy provide a road map for us, as we work to become a more culturally competent, inclusive profession. Finally, concrete suggestions are offered for those seeking to grow their expertise on these issues.

Campus Protests
Students at 73 different campuses this fall have described segregated or unwelcoming environments, which university leadership often failed to address in a sufficiently meaningful fashion. In the case of the University of Missouri, such a pattern of incidents across several months culminated with the student body president being called a racial epithet, and a swastika of feces being smeared on a dormitory bathroom wall, followed by the silence of the system president when confronted by student activists during the homecoming parade. In the wake of these incidents, a graduate student began a hunger strike, vowing not to eat until the current University of Missouri system president resigned. Calling it an issue of life and death, the university’s football team lent their unanimous support to demands for a change in leadership, by refusing to play until the hunger strike ended. In a surprising move to many, the football team members were supported in their efforts by the entire coaching staff. Two days after this action by the team, both the University of Missouri system president and chancellor of the flagship campus in Columbia resigned.

Just as undergraduates and graduate students across the country are increasingly sharing in more ways that are public (aided by video taken on mobile devices) the racial harassment they
experience, so too are law students of color sharing their realities. As many reading this likely know, legal education has not been immune from these challenges. Last year, at one top law school, we saw 33 self-identified black students produce and release a video to the public, describing in all too painful detail the experience of being part of the 33 black law students out of a class of eleven hundred total students. In a separate instance, another law student posted a picture of a typewritten note left in her mailbox, containing only the words, “Stop being a sensitive n------.” Last month, to the great sorrow of many lawyers across the country and a number of current students, members of the Harvard Law School community entered the building on the morning of November 18, 2015, to find black tape across the portraits of several black faculty members outside a lecture hall. While the facts of each campus situation are distinct, the pattern of individual harm and systemic racial inequity continue to be replicated year after year.

With respect to the nature of the public discourse on these issues, in a number of instances we’ve seen a largely incident-by-incident treatment of each protest, lead to a predictable next phase of commentary—the well-known straw man debate between free speech rights versus the responsibility of educational institutions to create inclusive, harassment-free learning environments for all. Related commentary then moved on, as it often does, to an increasingly familiar discussion of whether the current generation of students is somehow too sensitive, too entitled, or too lacking in resilience and intellectual stamina to engage in robust debates about diversity, in what some believe is now a “post-racial” society.

This somewhat narrow commentary about what has been, in many instances, sophisticated student protests, is set against the backdrop of the burgeoning number of Black Lives Matter protests, as well as a deeper understanding by the public at large of the frequency and nature of micro- and macroaggressions experienced daily in the lives of students, family members, friends, and colleagues of color. The generational shift to consuming news via social media, the use of mobile device video, and the 24-hour news cycle have all contributed to an understanding that these issues are not unique in their ugliness, not infrequent, and not narrow in their scope and impact.

**Reasonable Second-Generation Expectations**

Aside from the historically black colleges and universities, tribal colleges, and Hispanic-serving institutions, equity and inclusion struggles within higher education (and legal education) remain pitched battles, cloaked by apparently value-neutral factors such as tenure, academic freedom, and budgetary priorities.

Those who carefully follow this issue continue to hear the observations of a much smaller number of seasoned faculty and administrators, who remind us that these issues are not at all new.

In many instances, once schools and individual departments did the important work of acknowledging the need to enroll students of color in more than token numbers and then did the
hard work that led to more inclusive matriculating classes, institutions did not successfully raise
the inclusivity amongst its senior administration, faculty, and staff. Make no mistake, these
battles were hard and ugly, came at the cost of promotion for some, and left many others
marginalized for questioning the status quo and advocating for a more inclusive environment.
The consequence of poor levels of inclusion among university leadership, faculty and staff often
meant student concerns, intellectual interests, or histories were nowhere in the surrounding
Eurocentric campus environment.

It should be noted that aside from the recent protests, a great many schools have engaged in the
hard work of dismantling the institutionalized racism that has been embedded in their own
institutions for decades. These campuses remained engaged with these issues and pushed
forward to tackle the next horizon of the reasonable second-generation expectations of their
students. These expectations are voiced clearly by the student protesters in recent months and
revealed that they enrolled with these basic aspirational hopes or reasonable second-generation
expectations: (1) that they will be taught by a culturally competent faculty; (2) that their deans
and presidents will lead from the top on equity and inclusion initiatives; (3) that they will be
guided by an inclusive senior staff; (4) that their faculty will mirror the level of inclusivity of the
student body; (5) that their student service offices will deliver programming and supports that
address their needs and reflect a sophisticated understanding of race, class, gender, first-
generation and LGBTQI concerns; and (6) that their schools and departments have policies and
procedures in place to swiftly investigate and address hostility or harassment based on race,
class, gender, LGBTQI, or identity status.

Some institutions moved quickly in recent weeks to publicly hold themselves accountable,
perhaps none more so than Brown University, which pledged $100 million across the next
decade to address racism and diversity on campus. In addition to earmarking $10 million dollars
annually for the next decade, Brown committed to address nearly every aspect critical to
becoming and remaining a culturally competent, integrated institution. One need only review
their fairly comprehensive list of interventions, hiring initiatives, new programs, and
commitments to see what a path to cultural competence and inclusion looks like.
For those already working in culturally competent workplaces, neither the harassment the
students reported, nor their reactions, nor the responses by senior administrators were unexpected
these past few months. Similarly, if you have family members, friends or colleagues of color,
chances are you have more than a passing understanding of the daily micro- and macro-
aggressions the student protesters continue to make public. It’s against this backdrop of a
turbulent, partially integrated U.S. higher education system that we take this opportunity to
reflect on where we are as a profession and on how we might be proactive about our own
workplaces going forward.

Relevance for the Legal Profession
In recent years, the legal profession was ranked second only to civil engineers in terms of overall
lack of diversity. As of 2014, only 11 percent of lawyers were people of color. The legal
profession is now second only to psychologists and chief executives in its racial homogeneity,
according to the most recent Bureau of Labor Statistics data available. Contrast this to the 30 percent of physicians and surgeons who are professionals of color. Given the relative intellectual rigor of both professions and their places in civic society, one is hard-pressed to find a rational explanation for why the legal profession remains so protractedly behind on inclusion.

What makes this data ever more challenging is that the United States continues to evolve into a more diverse country year by year. There are predictions that the majority of the country’s population will be made up of people of color by the year 2044. In 2014, a majority of children under the age of 5 (50.2 percent) were of color for the first time in this country’s history. That the legal profession’s diversity remains relatively static and disproportionate in its racial demographics while the rest of the country becomes increasingly more diverse should trouble us all on deep moral and ethical levels.

Similarly, the legal and sociological literature is populated by study after study, describing the challenges the largest law firms continue to have in recruiting and retaining lawyers of color. Despite the anecdotal stories of success, this summer in a Washington Post piece, Deborah Rhode, faculty at Stanford Law, reminded us,

> Although blacks, Latinos, Asian Americans and Native Americans now constitute about a third of the population and a fifth of law school graduates, they make up fewer than 7 percent of law firm partners and 9 percent of general counsels of large corporations. In major law firms, only 3 percent of associates and less than 2 percent of partners are African Americans.


**A Path Forward: Opportunities to Be Proactive**

As we watch students seek even higher levels of excellence from their respective colleges and universities, it’s worthwhile to consider what lessons may be relevant to our own context here in the legal profession. Some in the private sector refer to this as an “inclusion audit,” others often have the opportunity for this sort of reflection during a training program offered by their employers. The operative fact is that we are doing an honest self-assessment for ourselves, as well as for any department, practice group, office or work group we may lead. Below are some initial suggestions for all of us, in any workplace.

1. **Conduct an informal inclusion audit of your workplace and look at your own data.** Consider how inclusive and diverse your partners, stakeholders, associates, paralegals, associate professors, assistant professors, senior administrators, and administrative staff are. Investigate whether your procedures for distributing high-value work contain...
structures that ensure equity and aren’t substantially based on “fit” or “rapport.” As those of us who regularly engage in the hiring process know, people who look, think, or act like us make us feel comfortable. We also know that the one who may not be a “fit” may indeed be the most valuable to your organization, as you seek to move beyond your comfort zone.

(2) Reflect on your own level of cultural competency. Cultural competence is a skill set and a lived set of behaviors. If you haven’t had the occasion up to now to learn about this concept, seek training.

(3) Seek training about implicit bias. Implicit bias refers to the subtle subconscious cognitive processes (implicit attitudes and stereotypes) that affect all of our behaviors, regardless of our own personal backgrounds. These concepts have been documented to impact our implicit attitudes about socially stigmatized groups such as women, people of color, and the LGBTQI community in particular. State court judges, CEOs, civic groups, and faculties at many institutions are currently seeking this training, as it holds great promise for helping us understand the intractability of racial issues in many of society’s most critical arenas.

(4) Consider seeking outside assistance. Members of workplaces often share more candidly about their experiences with someone from outside the system. Diversity and inclusion expertise is itself a whole discipline and a skill set that can and should be learned. Consider shifting the initial burden for assessment, training, and facilitation to professionals in this area, as you focus on your existing caseload, teaching, or service.

As we’ve come through the last few weeks where a Supreme Court justice wondered aloud about whether black students are better served by pursuing “slower” academic tracks and we see other campuses struggle to create more inclusive and less hostile climates, we really do seem to be in a time of great opportunity to advance as a country. Now more than ever, we are surrounded by an abundance of resources for assistance. We have exemplars of relative success to look to in the U.S. military, parts of the corporate sector, medicine, and other segments of the U.S. workforce. We need not recreate the wheel in terms of the tools and strategies to advance beyond our current levels of inclusion. Some of the most critical ingredients to achieving a racially equitable profession continue to be personal responsibility, individual engagement, and the willingness to take risks to become more than what we are. It’s the moral thing to do. It’s the right thing to do.

Keywords: diversity, inclusion, legal profession, University of Missouri, campus protests, education, inclusion audit

Beth Kransberger is a legal educator and a diversity & inclusion consultant with ME Kransberger Consulting Group.
Nine Tips for Building a Diverse and Inclusive Law Firm
By Robert K. Dixon and Ghenete Wright Muir

There are numerous benefits of having a diverse and inclusive law firm. For example, “diverse and inclusive law firms perform better, relate better to clients, courts, juries, and other decision makers important to their clients’ success,” according to Gary L. Sasso of Carlton Fields Jorden Burt. These benefits push many law firms to build diversity and inclusion in the workplace. In light of the emphasis many firms place on the issue of diversity and inclusion, we asked influential attorneys from a variety of firms for their insights on this issue. Here, these elite attorneys offer tips for building and sustaining diverse and inclusive law firms.

Diversity-Aligned Recruiting
Law firms use a variety of approaches to build diversity—one of which is recruiting. As Mollie F. Benedict of Tucker Ellis LLP explained, “Diversity-aligned recruiting is key to organically produce a diverse culture within a law firm.” As such, to build a diverse law firm, the firm’s diversity objectives and recruiting objectives must go hand-in-hand.

Invest in Diverse Attorneys
To build and sustain a diverse law firm, it is important to identify and develop diverse lawyers. Tiffani G. Lee of Holland & Knight LLP during the early or “investment years,” firms should “make sure diverse lawyers are getting good training, constructive feedback with opportunities to correct, equitable work distribution, real client-facing opportunities, stretch assignments, increasing responsibility, and access to key decision-makers.” But this is not a one-sided investment. Lee notes that “diverse lawyers have to similarly view their early years as ‘investment years’ and make sure they are doing all within their power to take advantage of opportunities for growth and development.”

Consider Diversity for Internal Roles and Positions
To build and maintain a diverse law firm, diversity considerations must go well beyond the interview stage. As Nancy Faggianelli of Carlton Fields Jorden Burt explains, firms should “consider diverse candidates for every role (e.g., client teams, case assignments, leadership roles, committee or task force responsibilities, business development initiatives, and social events) before making a final staffing decision.” Ms. Fagginaelli suggests that considering diversity “should not displace anyone from these opportunities,” but rather, gives the firm “more options to consider.”

If You Develop Associates, Diverse Attorneys Will Come
“Firms must create an environment that fosters the professional development of all associates,” according to Al De La Cruz of Manning & Kass, Ellrod, Ramirez, Trester LLP. De La Cruz says that such an “environment will attract diverse individuals without singling them out; thereby creating inclusion rather than division.” Thus building a well-rounded associate development program will not only attract diverse candidates but will also build an inclusive firm.
It’s as Easy as “Let’s Do Lunch”
Building and fostering an inclusive environment can be achieved with expansive firm-wide programs, but it can also be achieved with small acts. Inviting diverse lawyers to lunch only now and again, said Nancy Faggianelli, is a simple act that will help all attorneys in the firm “feel truly welcome in the firm and part of the fabric of the firm.”

Celebrate Differences to Create Inclusion
Vernã Myers, Esq., principal of Vernã Myers Consulting Group, LLC, often says, “Diversity is being invited to the party and inclusion is being asked to dance.” While improving a firm’s diversity statistics might be somewhat simple, it is somewhat more difficult to create an inclusive firm. In other words, how can firms create an environment in which everyone is asked to dance? To answer this question, firms have adopted a variety of different approaches. Tucker Ellis LLP, for example, hosts an annual Stone Soup Potluck during which the employees “are encouraged to bring a dish unique to their background/culture and share with others,” said Mollie F. Benedict of Tucker Ellis.

Community Outreach
To build a diverse and inclusive law firm, according to Alicia L. Wilson of Gordon Feinblatt LLC, “law firm leaders must be involved in initiatives in their local diversity within their communities. If you want to attract and retain diverse personnel to your firm, law firm leaders must be engaged in concrete things that demonstrate that diversity matters and is a firm value.”

Management Must Be Diverse
Hiring diverse attorneys is necessary to build a diverse law firm, but “to truly ensure that the diversity gains actually take root and are sustainable, diverse attorneys must be reflected at the management level,” said Vickie E. Turner of Wilson Turner Kosmo LLP. Firms with diverse management provide associates a career roadmap to follow as well as the validation that the firm recognizes and rewards hard work.

Communication Is Key
Hamilton, Miller & Birthisel’s managing shareholder, Jerry D. Hamilton, says that communication is vital to building a diverse and inclusive law firm: “Communicate your firm’s diversity and inclusion in your values statement or mission of the firm to both employees and clients and, and more importantly, to exhibit these values in your day-to-day practice and professional engagement with the community.”

Keywords: litigation, diversity, inclusion, diverse law firms, tips for law firms

Robert K. Dixon is with Wilson Turner Kosmo LLP in San Diego, California, and Ghenete Wright Muir is a senior attorney with The Florida Bar.
EDITORIAL BOARD

Committee Cochairs
» Judge Karen Wells Roby
» Daniel Van Horn

Editors
» Robert K. Dixon
» Ghenete Wright Muir

Members
» Eileen M. Letts
» Ronald L. Marmer
» Victoria T. McGhee
» Sarah E. Redfield
» Anna D. Torres

Staff Editor
» Steve Gartland

The views expressed herein are those of the author(s) and do not necessarily reflect the positions or policies of the American Bar Association, the Section of Litigation, this committee, or the employer(s) of the author(s).

ABA Section of Litigation Business Torts Litigation Committee
http://apps.americanbar.org/litigation/committees/businessstorts/home.html