

The Diversity Challenge

Marketing Law Firm Diversity: Authentic or Aspirational?

BY JUDITH C. TRUMAN

In 1999, the Chief Legal Officers of 500 major corporations signed a document titled "Diversity in the Workplace: A Statement of Principle." This mandate was seen as the foundation on which law firms would make immediate and sustained improvements for diversity in the legal profession. Did the subsequent "call to action" bring about a cultural shift in the legal community?

In 2004, the Association of Corporate Counsel (ACC) issued a report stating that, "all objective assessments show that the collective efforts and gains of law firms in diversity have reached a disappointing plateau." Corporate counsel have pledged to continue to make outside hiring decisions based in significant part on the diversity performance of the firms, and to end or limit relationships with firms whose performance "evidences a lack of meaningful interest in being diverse."

Many law firms have responded to the ACC's challenge, but do not know what true diversity means, how to create it, or how to sustain it, let alone how to market it. And many law firms have difficulty describing their diversity programs because they are uncomfortable articulating what diversity initiatives encompass.

Virtually all major law firms have diversity statements that describe how much they value diversity. However, valuing diversity is not necessarily an authentic cultural shift in which law firms have created or enhanced sustainable programs that focus on retention and long-term professional success to the benefit of ALL attorneys. Diversity statements are more often aspirational – if we believe in it hard enough it will somehow happen.

"Many law firms have the best intentions, but are struggling with how to meet or rise up to what they say and project about diversity," said Venu Gupta, Executive Director of the Chicago Committee on Minorities in Large Law Firms. "Law firms have become savvy about how to market diversity and have devoted a lot of time and money to developing brochures and materials." But are the messages bona fide? Gupta added, "Saying a firm values diversity without making the bold changes involved in creating an inclusive work environment is apparent in diversity brochures, and can result in ambivalence and cynicism."

Arin Reeves, President of The Athens Group, said, "Diversity can't be talked about as separate from marketing the firm in general. Firms that integrate their efforts on diversity into what the firm is doing overall find it is easier to market diversity and the firm as a whole."

Law firms tend to segment diversity, tailoring their initiatives to specific audiences, such as the female general counsel or diverse recruits.

"A firm brochure should talk about what you're doing about diversity rather than developing a separate diversity brochure," said Reeves.



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Being comfortable talking about and portraying a law firm's transition into a multicultural firm is essential to recognizing and eliminating subtle discrimination in the messages and images used in marketing communications.

"The assumption that only minorities are interested in diversity and that only women are interested in work/life balance is false, considering the number of people in interracial marriages and the number of people who have adopted children with different ethnicities. If diversity is important to the firm, you should be talking about diversity to all clients and candidates."

"Be mindful of micro-inequities in your marketing materials and conversations," observed Jeffrey McKinney, President of The Angkor Group. "Corporate clients and recruits alike recognize diversity messaging that isn't backed up by a track record that demonstrates that the firm is actually making strides toward becoming more diverse by having sustained programs in place, and minorities and women lawyers in the partnership and firm leadership."

A new model has emerged to address these issues, comprising several key elements: create a diversity committee, hire a diversity consultant, conduct assessments, identify needed improvements/programs, implement (or not) those recommendations, recruit women and minority attorneys, create a new position for a full-time diversity officer, and so forth.

While these elements are very important and fundamental to accomplishing the mandate, often the marketing team is not included in these activities. Therefore, the benefit of discussion, education, and institutional knowledge that evolves from this model is lacking.

Being comfortable talking about and portraying a law firm's transition into a multicultural firm is essential to recognizing and eliminating subtle discrimination in the messages and images used in marketing communications. Law firm leadership, administrators, and marketers who are dedicated to conscious and consistent cultural changes that inure to the benefit of all members of the firm and legal community will be genuine in their messaging.

Essential to crafting and disseminating a genuine message reflecting a firm's diversity initiatives is having its communicators at the table. ✨

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