

Good housekeeping

Law firms should conduct **internal assessments** to ensure their **diversity-related initiatives and programs** are driving overall **organizational success**.

BY VIRGINIA GRANT ESSANDOH

Is a law firm making strides in diversity if it wins numerous awards for its commitment; is recognized on several lists as a firm of choice; participates, sponsors, and advertises at every diversity conference, seminar, and event; but there are no lawyers of color or women on the Executive Committee? Or the percentage of minority or women partners to total partners is less than 20 percent? Or its attrition rate is significantly above the national average?

Just as a beautiful face matched with a dreadful personality makes for an unappealing person, a firm's external commitment to diversity may be the envy of other firms, but its internal house may be unkempt. External efforts must be reflected inside the firm to avoid being just another pretty face.

The 2007 *VAULT/Minority Corporate Counsel Association Guide to Law Firm Diversity Programs* surveyed 193 large law firms regarding their diversity initiatives and programs. Almost all of the participating firms reported having a formal or informal diversity program, and for the most part the programs are similar. Surprisingly, however, almost 10 percent of the firms stated that they did not consider "conducting an internal diversity needs assessment" (e.g., culture and environment surveys) a current priority. Also, about 10 percent of respondents did not consider "firmwide diversity training for attorneys and staff" a current priority.

These internal initiatives may be vital missing links in retention efforts, advancement opportunities, and the overall success of diversity efforts. This article focuses on the necessity of the internal diversity assessment – essentially, the value of good housekeeping.

Because legal administrators have their fingers on the pulses of their law firms, they are perfectly positioned to guide an assessment process. Administrators are involved with all aspects of firm life, from recruiting and hiring and marketing practices to human resources/personnel issues to overall firm profitability. An administrative manager may be the only person who can use his or her central role and objectivity to convince firm management of the need for a diversity assessment and to facilitate the process throughout the firm.



SHORTCUT

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HESITATION TO ASSESS

Law firms often hesitate to conduct diversity assessments for two reasons. First, they think they already know the areas in need of improvement. Second, they fear what an assessment may actually reveal. While firms may already know some of the broad issues (*"We are unable to retain our talented minority lawyers,"* or *"We aren't advancing women for some reason"*), an assessment may reveal more (*"Our environment does not encourage minority lawyers to stay with us throughout their careers,"* or *"Our work allocation process benefits only male lawyers."*)

Uncovering opportunities for improvement inevitably means that improvements must be made, systems changed, policies revised, and behaviors possibly altered.

Both hesitations are understandable. But, as with any other benchmarking or survey tool, a diversity assessment should be approached from the point of information gathering for the firm's continued or enhanced success. In some instances, it may be for the firm's survival. Law firms should not approach diversity assessments with trepidation, but instead view them as instruments for talent retention and competitive positioning.

NECESSITY OF THE ASSESSMENT

Law firms must confront the brutal facts. The advancement of minorities lags that of their non-minority colleagues, and women and minorities often are not reaching the highest levels of law firm management. Firms continue to ask, *"Why?"* – yet they avoid looking critically at some of the internal systems that perpetuate these facts. Minorities in law firms cite several reasons for their lack of advancement, including lack of access to mentoring that would allow their careers to flourish, being shut out of important client work, and lack of minority role models in their firms.

In addition to focusing externally on recruiting (i.e., schools where firms recruit), once people are in the door, law firms must also examine what happens internally. Do all lawyers have access to professional development opportunities that allow their careers to thrive? What is the work allocation system? Is the succession planning process inclusive?

For example, if 95 percent of a firm's partners are homegrown (promoted from associate to partner), and the current pipeline of senior associates does not include a critical mass of women or lawyers of color, or the firm loses its women and lawyers of color at an alarming rate, it follows that the partnership rank will not include women and lawyers of color. If pipeline leaks are not addressed, the firm is sabotaging its future.

As a necessary component of an effective and focused diversity program, the diversity assessment:

- enables a true and accurate picture of what systems, policies, etc., are working to improve diversity throughout the firm;
- identifies efforts that are successful and that should be sustained;
- identifies areas where the firm is weak and where there are opportunities for improvement;
- allows the firm to prepare a focused diversity education or training program;
- identifies concerns and perceptions experienced within particular populations in the firm; and
- strengthens retention, mentoring, and professional development programs.

ASSESSMENT APPROACH

While the Diversity Committee should manage and facilitate the diversity assessment, firm management should lead the effort by actively championing the process and promoting the value that diversity adds to the firm. An assessment should include two components: Policy/Program/Procedures and Personal Experience.

The first component looks at the policy handbook, the mentoring program, the work allocation procedures, and other systems in the firm. The objective is to analyze the diversity impact of current policies and to identify any inherent barriers to an inclusive and welcoming environment for women and minorities. It ensures that practices, policies, and procedures do not encourage or institutionalize exclusion or even discrimination. (See **Figure 1** for a sample of this component.)

Imagine a firm that says it is open to gay, lesbian, bisexual, and transgender lawyers, but it has policies that exclude domestic partner benefits. Similarly, can a law firm be open to disabled lawyers, and yet not invest in technology or infrastructure to allow for an efficient work environment for them?

The Policy/Program/Procedures component may also include an analysis of several key trends, including:

- demographics;
- retention;
- promotions;
- recruiting and hiring;
- attrition;
- compensation and benefits programs;
- relevancy and fairness of current systems,

policies, and procedures;

- work/life balance;
- physical environment;
- demographics of leadership and management;
- leadership and management practices; and
- career development and succession planning.

The Personal Experience component uses a survey process to look at the law firm's environment. It examines individual perceptions of the firm's environment and identifies what behaviors have been accepted and institutionalized. It should include the following steps:

- **Identifying rationale.** The Diversity Committee must articulate the firm's rationale for conducting the assessment. The firm should take this opportunity to communicate that diversity is important and that the firm is constantly looking for ways to improve the quality of life for all employees and to understand what the firm can do better.
- **Gaining buy-in.** It is also important to talk to all management committee members, opinion leaders, practice group leaders, and administrative managers in one-on-one, confidential interviews to uncover some of the major issues or themes

FIGURE 1: SAMPLE POLICY/PROCEDURE ASSESSMENT

Source	Policy/Procedure	Diversity Impact	Status: Change, No Change, Pending	Comments
Policy Handbook 320, page 14	Bereavement Leave	Employees currently are allowed time off due to the death of an immediate family member. The firm's definition of immediate family includes "employee's spouse," but does not include employee's domestic partner.	Change	We are evaluating how we incorporate sexual orientation into our vision of a diverse firm. We want to make sure that our environment is inclusive for all groups 100 percent of the time. We will change this policy immediately.
Practice Management Procedure – Litigation Group	Associate Work Allocation / Assignment	Presently, this policy is ad hoc and informal in which a partner chooses which associate(s) he/she would like included on the project. Most often it is based on past working relationships and comfort levels of the partner. In the future, we must assess whether this process allows for even workloads among all associates and exposure to all partners and opportunities for all associates to be exposed to work where they might not have previous experience.	Pending	This policy is being reviewed by the Litigation Department Chair along with the Diversity Director and Director of Professional Development. A proposal is slated for May 22.



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that must be included in the survey. This will create buy-in for the process and lay the proper foundation for developing the assessment survey.

- **Developing the survey instrument.** A well-designed survey should assess where the firm is and where it wants to be. The firm then can conduct a gap analysis to see what must be done to reach its goals.

OTHER CONSIDERATIONS

An internal diversity assessment should take into consideration the uniqueness of a particular law firm, but should also include the following elements:

- knowledge of the stated values or firm management philosophy as it relates to diversity;
- awareness of diverse work group issues (i.e., challenges and benefits of working with those who don't have a common background or shared perspective);
- ability to interact or work with diverse work groups;
- opportunity and environment to voice concerns or speak one's mind;
- the firm's focus on quality and merit of all employees; and
- how historically marginalized groups are viewed in the organization.

Several additional steps are critical to the assessment's success:

- **Communication.** How the survey will be conducted, who will be involved, confidentiality of information, and the importance to the firm should be clearly explained to all participants. All communication should also be positive and enthusiastically endorsed by firm leaders. Employees should be reassured that the purpose is to improve the quality of firm life for everyone

and that it is ultimately for the firm's best interest and success.

- **Inclusion.** The firm should administer the questionnaire firmwide to all staff. What is happening at all levels in the firm is a good indication as to what is happening at the firm's highest levels.
- **Rolling out the results.** The findings should be shared with the firm in a non-threatening way and in a non-threatening environment. It is important to protect results and provide them at a meeting called for that purpose, rather than publishing the results in a report or providing handouts. This approach will protect the confidentiality of sensitive information.
- **Following up.** Finally, the firm must have effective follow-up strategies in terms of designing training, education, and awareness programs. Have a strategy that includes clear communication of the next steps, with short-term and long-term action plans.

GETTING STARTED

There is no compelling reason to avoid conducting a diversity assessment. Lawyers know that the way to determine the best answer to a matter is to identify the facts and properly assess all the issues, and conducting such an assessment may provide answers to the retention and advancement challenges faced by law firms.

about the author

Virginia Grant Essandoh is a senior consultant with Altman Weil Inc. Her practice focuses on the areas of strategic planning, organizational/management structure, client satisfaction, and lawyer retention strategies. She also advises on diversity initiatives and best practices in private law firms, corporate law departments, and government agencies. Contact her at (610) 886-2000 or vgessandoh@altmanweil.com.