

# The Association of Legal Administrators Diversity Toolkit

## I. Introduction

“...It’s been a long time coming, but I know a change is gonna come, oh yes it will.”

—Sam Cooke (1931-1964)

**A**s leaders in the legal industry, guiding workplaces striving to be successful, we cannot ignore that change is here. For some the change has been present for years. For others, it is imminent.

The Association of Legal Administrators (ALA) has a goal to increase awareness of, and sensitivity to, diversity within ALA and the legal management community. The ALA Diversity and Inclusion Committee is working to educate legal industry leaders about why diversity is important and how we can work to bring diversity and inclusion to the legal workplace. To be successful in an increasingly diverse world, leaders must be able to manage and leverage the differences that exist in their workforce, suppliers, and clients.

An infinite number of approaches exist for developing and implementing a diversity plan, each reflecting the unique characteristics of each organization. This Diversity Toolkit is intended to be a general overview of how to approach the subject, a starting point for digging deeper when needed and a source of inspiration for trying a new approach. As with almost any new effort, change can come swiftly or slowly. Either way, it will require openness, a willingness to listen, hard work and patience.

## II. What is Diversity? What is Inclusion?

“Diversity is the mix. Inclusion is making the mix work.”

—Andrés T. Tapia, a leader in diversity education

### A. What is Diversity?

Diversity is about recognizing, respecting and valuing differences based on ethnicity, gender, color, age, race, religion, disability, national origin and sexual orientation. It also includes an infinite range of individual unique characteristics and experiences, such as communication style, career path, life experience, educational background, geographic location, income level, marital status, military experience, parental status and other variables that influence personal perspectives.

These life experiences and points of view make us react and think differently, approach challenges and solve problems differently, make suggestions and decisions differently and see different opportunities. Diversity, then, is also about diversity of thought.

### B. What is Inclusion?

“Diversity is being invited to the party. Inclusion is being asked to dance.”

—Pauline Higgins, a leader in diversity education

As the work on diversity efforts evolved, the realization came that just having diversity in the room was not enough; we need to make sure that diversity is recognized, respected and valued.

Inclusion is the act of establishing philosophies, policies, practices and procedures to ensure

equal access to opportunities and resources to support individuals in contributing to the organization's success. Inclusion creates infrastructure for allowing the diversity within the organization to exist and thrive in a manner that can enhance innovation and problem solving. Inclusive organizations are by definition diverse at all levels.

ASAE, THE CENTER FOR ASSOCIATION LEADERSHIP, DIVERSITY + INCLUSION STRATEGIC PLAN (2015- 2017), page 4, available at <http://www.asaecenter.org/diversity>.

It is not enough, or a guarantee of success, to have the numbers to represent the diversity of our communities in our workplaces. Inclusion is the key to long term success and is where much of the work needs to be done.

### C. Achieving Diversity and Inclusion.

Different cultures are often thrust together and must learn to work together effectively to be successful. Employees arrive at work each day bringing with them their stereotypes and preconceived biases about other people. No different than a law firm merger or acquisition, law firm leaders must devote time to the cultural aspect of the "merger," i.e., achieving diversity and inclusion, by preparing employees on what to expect in terms of culture, working conditions, benefits, policies, practices, among many other things. This multicultural integration requires time and tenacity. Each organization has to make an assessment of where it stands, state what it seeks to achieve, provide the reason and motivation to do so, and start the hard work of achieving those goals. One of the first steps is laying the foundation by making sure everyone understands the "why."

### III. Why We Need Diversity and Inclusion.

Our clients expect and demand it. Corporate cultures require it. We are now a global society. Recruiting and retention improve in a diverse environment. Decision-making is stronger, more effective with diverse collaboration. A business case can be made for diversity and inclusion in the workplace.

Superior business performance requires tapping into these unique perspectives.

*Business Case for Diversity*, CHUBB INSURANCE GROUP, <http://www.chubb.com/diversity/chubb4450.html> (last visited Dec. 26, 2015).

Analysis of the data from the group of 366 companies revealed a statistically significant connection between diversity and financial performance. The companies in the top quartile for gender diversity were 15 percent more likely to have financial returns that were above their national industry median, and the companies in the top quartile for racial/ethnic diversity were 35 percent more likely to have financial returns above their national industry median.

Vivian Hunt, Dennis Layton, Sara Prince, *Diversity Matters*, MCKINSEY & COMPANY, page 3, February 2, 2015, available at [http://www.mckinsey.com/insights/organization/why\\_diversity\\_matters](http://www.mckinsey.com/insights/organization/why_diversity_matters).

### A. The U.S. Population is Growing More Diverse

The U.S. population is growing more diverse. The U.S. Census Bureau projections released in 2014 indicate:

[T]he U.S. population will become "majority minority" in 2044. At that time, whites will make up 49.7 percent of the population compared with 25 percent for Hispanics, 12.7 percent for blacks, 7.9 percent for Asians and 3.7 percent for multiracial persons. This tipping point will result from two countervailing trends that are projected to continue between now and 2060:

A long term decline for the nation's white population. The white population is projected to increase modestly until 2025 when it reaches 199,867,000; after that, it will sustain a continued decrease until 2060 when whites will make up only 44 percent of the population. Natural decrease,

the excess of deaths over births, for this aging population will be the primary component of this decline.

A growth of new minorities—Asians, Hispanics and multiracial persons. Between 2014 and 2060 both the Asian and Hispanic populations will more than double at growth rates of 129 percent and 115 percent respectively. Multiracial persons will more than triple, growing at nearly 220 percent. These new projections assume a greater gain for Asians than in previous projections but reduced gains for Hispanics. The former reflects rising Asian immigration and the latter a drop-off in Hispanic fertility.

William H. Frey, *New Projections Point to a Majority Minority Nation in 2044*, BROOKINGS INSTITUTION (December 12, 2014. 9:46 am), <http://www.brookings.edu/blogs/the-avenue/posts/2014/12/12-majority-minority-nation-2044-frey>.

The changing demographics of the United States are reflected in a changing workforce as well as a changing client base. This redefines who has the buying power and what markets that will provide future business opportunities and growth.

## B. Globalization

Corporations already in the global marketplace have begun to adapt to customers and vendors with different perspectives and needs. These corporations have determined that employees who mirror the clients they serve, who can literally and figuratively speak their language, identify their needs and suggest potential new markets, will ultimately benefit the organization's bottom line.

Legal organizations have lagged behind these corporations, but have begun to enter the same global market: competition requires acquiring the best workers to successfully capture significant shares of those global markets. As individuals who are responsible for selecting law firms and legal organizations become more diverse, those individuals are more likely to consider legal teams that reflect this, and ask about a law firm's diversity record before making a commitment to do business.

## C. Diversity Creates a Stronger Workforce

Research has begun to substantiate the value of a diverse workforce. Perhaps we should not be asking about the business case for diversity, but instead, the case against homogeneity. Evan Apfelbaum, the W. Maurice Young Career Development Professor of Management and an Assistant Professor of Organization Studies at the MIT Sloan School of Management states:

Emerging research suggests that homogeneity can lead individuals to underestimate the actual complexity of group tasks because they assume that others' behavior is more predictable than it actually is.

Evan Apfelbaum, *What's the Business Case for Diversity in the Workplace?* MIT SLOAN MANAGEMENT (February 27, 2013, 12:16 pm), <http://mitsloanexperts.mit.edu/diversity-in-the-workplace/>.

A diverse workforce and climate enable employers to tap into a diverse talent pool/knowledge base, and make full use of contributions from all employees. A successful organization leverages the differences in employees and allows employees to attain their full potential.

Mary Farrell Robinson, *Inclusion is Not Just Black & White*, LEGAL MANAGEMENT, page 40, page 44, November/December 2010, [http://www.duanemorris.com/articles/static/robinson\\_legalmgmt\\_1110.pdf](http://www.duanemorris.com/articles/static/robinson_legalmgmt_1110.pdf).

## D. Recruitment and Retention

Diversity in the organization's leadership and in its workforce improves recruiting and retention. Few legal organizations can expect to gain access to the kaleidoscope of clients without recruiting a staff that

reflects the diversity of the marketplace. Retaining diverse personnel is often the bigger challenge. Retention hinges on whether the legal organization's culture visibly supports diversity. If the culture suggests a lack of understanding of diversity concerns, or a lack of commitment to diversity issues by the organization and its leaders, "diverse" staff will leave. Unless organizations begin to create a business climate that openly welcomes those who are in some way different from the existing group, they will continue to experience costly turnover as new talent leaves to find a more hospitable environment.

### **E. Corporations Demand Diversity and Inclusion of Their Outside Counsel**

The emphasis the corporate sector has put on diversity and inclusion initiatives have started to reach law firms. These corporations demand their legal partners actively promote diversity within their firms, give significant weight to a legal organization's commitment to and progress in diversity when selecting outside counsel, and have formed coalitions to do so. Two are noted here:

The Leadership Council on Legal Diversity (LCLD) is an organization of more than 240 corporate chief legal officers and law firm managing partners—the leadership of the profession—who have dedicated themselves to creating a truly diverse U.S. legal profession. Our action programs are designed to attract, inspire, and nurture the talent in society and within our organizations, thereby helping a new and more diverse generation of attorneys ascend to positions of leadership. By producing tangible results in the lives of talented individuals, we work to promote inclusiveness in our institutions, our circles of influence, and our society, with the ultimate goal of building a more open and diverse legal profession.

*A Call to Action: Our Mission, THE LEADERSHIP COUNSEL ON LEGAL DIVERSITY, [www.lcldn.org/about/our-mission](http://www.lcldn.org/about/our-mission) (last visited Dec. 26, 2015).*

The mission of the Minority Corporate Counsel Association (MCCA) is to advocate for the expanded hiring, promotion, and retention of minority attorneys in corporate legal departments and the law firms that they retain. Since its founding in 1997, MCCA has emerged as a knowledge leader on diversity issues, and its programs and initiatives cover a wide range of diversity management issues, with an emphasis on the professional challenges faced by race/ethnic minorities; women; lesbian, gay, bisexual, and transgender lawyers; people with disabilities; and multi-generational workforces.

*About MCCA, THE MINORITY CORPORATE COUNSEL ASSOCIATION, <http://www.mcca.com/index.cfm?fuseaction=viewpage&pageid=471> (last visited Dec. 26, 2105).*

MCCA has partnered with the Vault to create a law firm diversity database. The organization sponsors research into the best methods to implement diversity. The MCCA has detailed information on recommended practices for law firms including: (1) the business case for diversity, (2) barriers to success, (3) critical success factors, (4) where laws stand on diversity (5) the retention challenge, and more.

## **IV. How to Implement a Diversity Plan**

Each organization has to determine its own path for improving diversity and inclusion. The steps laid out here will assist an organization in developing a plan, or for those organizations with a plan, refresh and renew organizational commitment. There are several resources available to assist in this effort. They are identified at the end of this article.

### **A. Building Management Awareness**

Any initiative involving organizational change requires support and commitment from leadership. Achieving the goals of a diversity initiative is no different. It is essential, regardless of approach, to build awareness among senior management regarding diversity and its impact on the

legal organization's workforce. Once management understands the benefits of recognizing, valuing and promoting diversity, committing the organization to a proactive diversity plan will be a sound business decision. There are a number of ways to educate senior management. Share this Diversity Toolkit and the pamphlet "*Why Diversity Matters*" available at [www.alanet.org/diversity](http://www.alanet.org/diversity). Cite statistics and provide a selection of relevant articles, presentations and seminars accessed through the internet. Inquire as to the diversity requirements of significant clients or vendors. Engage a diversity consultant to help make the case for diversity to senior management.

## **B. Diversity Committee/Partner**

Many legal organizations have a standing committee to plan, implement and oversee the diversity initiative. The committee itself should be diverse and should include one or more senior partners as well as other attorneys and staff. Alternatively, consider naming a senior partner to direct the program. Some legal organizations even hire or appoint a full-time Director of Diversity or Chief Diversity Officer.

Once committed, leadership must be held accountable for the success of the diversity initiative through continuous monitoring of its implementation. Whether a committee, task force or single partner, the legal organization must also demonstrate its commitment by entrusting the diversity plan leadership with both authority and allocation of resources to build an effective firm wide program. Strong senior leadership also conveys the expectation of cooperation and involvement from all employees and sends a clear message: this organization is serious about diversity and inclusion.

## **C. Assessing the Firm or Legal Organization's Diversity**

Next, assess the current diversity of the legal organization. Measure the percentage of minorities, women, LGBT and people with varying physical abilities among your organization's attorneys and support staff. Examine the demographics (age, language, geography, etc.) How does this compare to national averages? (Keep these statistics to analyze results after the plan has been in place for a period.) Study retention and promotion trends. Review the recruiting programs for attorneys and staff. Review the diversity policies on the websites of the organization's most significant clients or vendors, or inquire of clients as to whether they require the organizations they work with to have a diversity plan. Many request proof of a diversity plan including staffing statistics to prove the commitment to diversity. Finally, review how current management operates, communicates, and assesses the firm's culture. Is it inclusive? Does everyone have the chance to be heard?

## **D. Strategic Plan Development**

This phase of the diversity initiative is critical. Planning establishes a blueprint reflective of the current culture of the organization and outlines the actions necessary to achieve the diverse culture of the future.

A comprehensive diversity program can involve thousands of hours in additional recruiting efforts, training, mentoring, sponsoring, seminars and time with community and other diversity-related projects. Leaders must recognize this, build that consideration into goal planning and be prepared to support the program.

For maximum effectiveness, make diversity and inclusion a key element of your legal organization's existing business plan: it is more powerful, practical and productive to align the two and build greater understanding and support for change.

## **E. Issuing a Firm or Legal Department Diversity Policy or Mission Statement**

Once management is committed and the diversity of the organization has been assessed, it is important to adopt a formal diversity policy statement and communicate it to the entire organization, both lawyers and staff. The policy statement can include specifics of the diversity plan, as can the initial memorandum communicating the policy and should be distributed by firm management. The diversity policy should be prominently published on the firm's Intranet and Internet sites. All employees should be able to articulate the diversity policy as a core value.

## SAMPLE DIVERSITY POLICY

We value and respect the strengths and differences among our employees, clients and communities because they reflect our future success. Our clients, suppliers and strategic partners are increasingly diverse and multicultural. We must be positioned to understand, interface, relate to and meet their needs. Our challenge is to seek out and use our diversity in ways that bring new and richer perspectives to our firm and the clients we support. Our commitment is consistent with our recognition that it is the outstanding people within the firm who have always been the source of our strength. Our colleagues are the firm's greatest assets. We have long embraced the principles of equal employment opportunity. We further recognize that promoting diversity is an integral component of our continuing quest for excellence as individual attorneys and as a firm.

As part of the effort to advance our commitment to diversity throughout the firm, the following initiatives, among others, are being pursued:

- Improve the level of diversity within the firm's leadership positions, committees and practice development efforts.
- Develop an attorney and senior administrative manager evaluation process to set clear expectations and accountability around diversity and inclusion.
- Annually review and recognize the contributions made by attorneys and managers to advance the firm's commitment to diversity and inclusion.
- Emphasize the firm's long-standing policy that encourages reporting of any discrimination or harassment based on sex, race, national origin or other protected status.
- Participate in opportunities outside the firm to explore diversity and inclusion initiatives underway with clients, bar associations and minority organizations that share this common objective.
- Strengthen our diversity through recruiting and retaining minority and women attorneys and staff personnel from all backgrounds.
- Develop mentoring and sponsorship programs for our employees.
- Recognize diversity as a business imperative in increasing our business opportunities and partnerships with key external markets, communities and suppliers.
- Create a work environment that engages, enables and empowers people to do their best work.
- Focus specifically on recruitment, retention and development of diverse talent at all levels in the organization.
- Lead in our community by valuing diversity.
- Provide regular and repeated diversity and inclusion training to all of our workforce.

A Committee on Diversity will work closely with the Executive Committee to carry out these and other initiatives to help strengthen diversity throughout the firm. Of course, each and every one of us must accept responsibility for and do our part to fulfill our organization's commitment to diversity.

(Firm or Company name) accepts responsibility to be a leader in assuring that a diverse workforce

is recognized as an important cornerstone for success in our industry. For (Firm or Company name) to be an excellent utility and regional leader, we believe this commitment must be honored.

## F. Training and Education

Workplace conflicts often stem from a lack of understanding about the differences among us. It is imperative to train individuals to recognize, acknowledge and overcome these differences. Training will vary by the needs of the organization and whether it is at the beginning stages of a diversity initiative or there are ongoing efforts. Initially, training should begin with senior management, often as part of the buy-in process for developing diversity and inclusion initiatives. Separate training programs for managers will help them develop the leadership and team building skills needed to facilitate constructive conflict and effective communication. Training should then be extended to everyone within the organization. It may be useful to have sessions that include attorneys and staff to demonstrate that these issues exist at all levels. It is equally important to seek input and feedback on diversity issues from everyone involved in the training.

For organizations without prior diversity training the preliminary training may address any of these issues:

- Define diversity and inclusion,
- Explain why the organization cares about having a diverse workforce,
- Explain what diversity brings to the organization,
- Increase awareness of the diversity of the organization's current workforce,
- Discuss how to promote diversity,
- Discuss the impact of exclusion and insensitivity and recognition of conscious and unconscious biases.

Once the groundwork is set, training needs to be done on a periodic basis to continue to build awareness and address the needs of the organization. Topics may include:

- Sensitivity training,
- Training on avoiding stereotypes and respecting differences,
- Cultural awareness and unexpected commonalities,
- Working with and responding to differences,
- Teamwork,
- Active listening and asking questions to improve understanding, and
- Effective tools in conflict resolution.

To accomplish this training, seek recommendations for various training companies. If one does not appear to suit your requirements, continue searching for another that is more suited to your firm's/law department's needs, culture and style.

A special note on unconscious bias: We all have them. You can't be human without them. They are developed by years of influence and demonstrate how treatment of others can be inadvertent and how behavior and perceptions based on stereotypes can be altered. They may be called "micro-inequities" and are subtle, often subconscious signals, which may reveal a bias or demonstrate the difference between inclusion and exclusion. Accept you have them and be alert to experiences which make them surface. To uncover your own bias consider these resources:

Harvard Implicit Association Tests: [www.implicit.harvard.edu/implicit](http://www.implicit.harvard.edu/implicit)

MALCOM GLADWELL, BLINK, 2005 available at [www.gladwell.com/blink/](http://www.gladwell.com/blink/)

## G. Recruiting and Retention

The more senior diverse attorneys, the greater the legal organization's chances of recruiting and retaining new attorneys of color, gender and other diversity. Additionally, the organization will be more desirable to entry-level diverse attorneys and better positioned to minimize attrition. This practice is much more likely to succeed as an integral part of a firm-wide diversity strategy. But where to start?

Any legal organization seeking to become more diverse should review its recruiting programs to include which law schools it has visited, and the number of women, minorities, LGBT and people of varying physical abilities in summer programs and in new-attorney hires. Then, adopt specific and meaningful voluntary percentage goals based on the demographics of the community for hiring, retaining and promoting diverse attorneys and staff. Track the success of any initiatives and report on them annually.

The legal profession has a pipeline problem, meaning that there are not enough diverse attorneys. As a profession, we need to reach out to high school and college students by way of job fairs, speaking at career days and recruiting at schools with significant numbers of minority and diverse students. This could include adopting a historically minority college or university and developing a close relationship with students by presenting seminars, speaking at campus events, etc.

At the law school level, this includes hosting receptions at the law schools or at the legal organization for minority, women, and lesbian, gay, bisexual, and transgendered law students, for example. This provides diverse students and applicants with an opportunity to meet diverse lawyers within the legal organization. Standout students should be identified with the goal of obtaining these students' interest for possible hires during the academic year. Law firms could also partner with local bar associations by becoming a signatory firm to a Diversity Clerkship Program. Clerkship programs, along with summer employment, internships, and scholarship programs, are means to implement diversity-hiring initiatives.

Recruiters themselves should have diversity training to help them interact more effectively with diverse students. Provide training to all interviewers via videos, manuals, diversity consultants and frequent in-department discussions of the importance of diversity and issues important to diverse employees.

Take advantage of professional and personal networks by offering a bonus for referrals of talented diverse candidates who can be recruited to the firm. To ensure diversity needs, use executive search firms who specialize in diverse candidates and insist that all search firms include diverse candidates in the slate to be considered. Make sure your recruiting resources know your successes. Periodically review the diversity performance of the search firm and, if necessary, change firms if the firm does not meet the diversity needs of the law department.

Post opportunities widely, including distribution to the National Asian Pacific American Bar Association (NAPABA); National Bar Association (NBA, African American Attorneys); Hispanic National Bar Association (HNBA); American Bar Association Commission on Disability Rights; Latina Lawyers Bar Association (LLBA); National Native American Bar Association; National LGBT Bar Association; National South Asian Bar Association; National Association of Women Lawyers (NAWL); and any local affinity bar associations.

Law firms should review the firm's hiring criteria so as not to screen out diverse candidates. Redefine competence to filter out racial or culture-based abilities or other factors that do not predict individual success with the firm. However, never hire a candidate for diversity's sake. Do not hire a candidate who does not fit your culture, values and performance expectations. Utilize Vern Myers, *Top Ten Hiring Tips to Move Diversity Forward*, STATE OF ARIZONA BAR ASSOCIATION, [http://www.azbar.org/media/886437/10\\_tips\\_for\\_hiring\\_and\\_interviewing\\_to\\_move\\_diversity\\_forward\\_copy.pdf](http://www.azbar.org/media/886437/10_tips_for_hiring_and_interviewing_to_move_diversity_forward_copy.pdf) (last visited Dec. 31, 2015).

Create a Diversity and Inclusion brochure for your firm or legal departments, stressing the programs for diverse lawyers and staff. Publicize the organization's commitment to diversity through marketing and recruitment materials, updating and improving the firm's Web site to attract diverse candidates. Consider Braille business cards or documents for the visually challenged.

For additional recruitment and retention ideas see the following:

- *Diversity - Best Practices Guide*, THE NATIONAL ASSOCIATION FOR LAW PLACEMENT, [HTTP://WWW.NALP.ORG/UPLOADS/2014DIVERSITYBESTPRACTICESGUIDE.PDF](http://WWW.NALP.ORG/UPLOADS/2014DIVERSITYBESTPRACTICESGUIDE.PDF) (LAST VISITED DEC. 28, 2015).
- *Creating Pathways to Diversity: Metrics for Success*, MINORITY CORPORATE COUNSEL ASSOCIATION, <http://www.mcca.com/index.cfm?fuseaction=Page.viewPage&pageId=471> (last visited December 18, 2015).
- Verna Myers, *Minority Recruitment and Retention - How Does a Firm Succeed: A Case Study*, THE AMERICAN BAR ASSOCIATION, <http://www.americanbar.org/content/dam/aba/migrated/minorities/ftp/g9sum02.authcheckdam.pdf> (last visited Dec. 18, 2015).
- *Law Firm Diversity Retention Manual*, DRI, <http://www.dri.org/Committee?code=0440> (last visited Dec. 26, 2015).

## H. Mentoring and Sponsorship

Mentors: People who provide information, insights, and opportunities to help you advance your career.

Sponsors: People who use their influence to help you advance your career.

Mentoring and sponsorship programs have been valuable in improving employee retention and promoting individual success. In legal organizations, these programs are often focused on attorneys, but certainly can be adapted for all employees. Providing a mentor to new attorneys in the office ensures that they learn the unwritten rules of the office and have a better chance of succeeding in the law firm or legal organization. A mentor provides guidance and advice, but also makes introductions to others in the firm. For more information about implementing a mentoring program, consider these resources:

- *Creating a Mentor Program*, SOCIETY FOR HUMAN RESOURCE MANAGEMENT, <http://www.shrm.org/communities/studentprograms/pages/mentorprogram.aspx> (last visited Dec. 26, 2015).
- *Mentoring Guide*, Association of Legal Administrators, [www.alanet.org/diversity/mentoringguide.aspx](http://www.alanet.org/diversity/mentoringguide.aspx) (last visited Dec. 31, 2015).

Similarly, the organization should consider a sponsorship program. Corporations are leading the way in developing sponsorship programs and the concept has been propelled forward in this book: SYLVIA ANN HEWLETT, (FORGET A MENTOR) FIND A SPONSOR, THE NEW WAY TO FAST-TRACK YOUR CAREER, Harvard Business Review Press, (2013). Sponsors differ from mentors in that sponsors deliver. They create visibility to leaders within the company and in the larger business community. They connect their protégés to career opportunities and provide cover when trouble is encountered. When it comes to opening the door, they don't stop with one promotion; they'll see you to the threshold of power. In this respect, a sponsorship program is targeted at attorneys within a few years from partner or shareholder consideration.

## I. Policies and Procedures

Ensure your handbook, intranet pages and employment policies are up to date, including any new laws in your state. These can change frequently, so have resources to stay informed. Examples include: flexible scheduling including part-time and flex-time programs; event inclusiveness; holidays; telecommuting; domestic partner benefits and grossing up benefit; self-identification LGBT; employee assistance policies;

quiet rooms for prayer, lactating, quiet and rest; transgender issues; and accessibility - noting not all disabilities are visible.

## **J. Firm Management**

A legal organization seeking greater diversity or inclusion should increase the number of women and minorities on firm committees, in leadership roles and holding management positions. Naming co-heads of an office or department is an effective way to expand management positions, as is naming an administrative partner for an office in addition to the partner in charge.

## **K. Affinity Groups**

Create Employee Resource Groups (ERG), also referred to as Affinity or Ally Groups, which create opportunity for diverse parties and allies to gather to share experiences reflective of their commonalities. They are exclusive to some degree but the value of the support system is immeasurable.

## **L. Community Involvement**

A legal organization committed to strengthening diversity should explore opportunities both inside and outside the firm. Many organizations and diverse community, business, bar, and professional associations solicit help in sponsoring events, creating networking opportunities, placing ads in publications, and supporting community involvement. Legal organizations should establish procedures for seeking and approving such activities and should consider partnership opportunities and/or supporting employee involvement in community diversity projects.

## **M. Partnering with Minority-Owned Businesses**

Some organizations demonstrate their commitment to diversity by purchasing goods and services directly from minority and women owned businesses. Minority contractor associations can assist in identifying such businesses. There are also searchable databases of businesses including the following:

- **Ethnic Majority:** This is a listing of government sponsored listing of minority owned businesses: *Government-Sponsored listing of Minority Owned Businesses*, ETHNIC MAJORITY, [WWW.ETHNICMAJORITY.COM/MBEDATA.HTM](http://WWW.ETHNICMAJORITY.COM/MBEDATA.HTM) (LAST VISITED DEC. 28, 2015).
- **Diversitybusiness.com:** This website has directories for national searches for connecting small businesses and large organizational buyers (e.g., Fortune 1000 Companies, government agencies and college/universities): *Directories*, DIVERSITYBUSINESS.COM, [www.diversitybusiness.com/Directories](http://www.diversitybusiness.com/Directories) (last visited Dec. 28, 2015).

## **N. Evaluating Programs and People**

Any organization should continually assess and review its diversity initiative and should develop statistics on hiring, retention, promotion, and leadership positions to measure progress. To compare the strides law firms have made in terms of diversity, Vault.com and the MCCA created the Law Firm Diversity Database: *The Vault/MCCA Law Firm Diversity Database*, THE VAULT, <http://www.vault.com/law/law-firm-diversity-programs> (last visited Dec. 28, 2015). This online tool allows side-by-side comparisons of diversity statistics and initiatives at different law firms, gauges firms' progress over the years and measures their performance against industry-wide averages.

Benchmarking Surveys also provide an opportunity not only to measure the organization's success but also to take advantage of other success by learning what they have done via surveys. See for example: Price Waterhouse Coopers (PWC); National Association for Law Placement (NALP); Association of Legal Media (ALM); HR Certification Institutes (HRCI); Vault/MCCA Vault Career Intelligence/Minority Corporate Counsel; Society of HR Managers (SHRM).

There are also many organizations that award and recognize law firms with strong diversity plans as outlined in the following websites:

- Diversity Leadership Award: This award is presented annually by American Bar Association Section of Litigation to recognize individuals or entities who have demonstrated a commitment to promotion full and equal participation in the legal profession. *Diversity Leadership Award*, THE AMERICAN BAR ASSOCIATION SECTION ON LITIGATION, [HTTP://WWW.AMERICANBAR.ORG/GROUPS/LITIGATION/DIVERSITY\\_INITIATIVES/AWARD.HTML](http://WWW.AMERICANBAR.ORG/GROUPS/LITIGATION/DIVERSITY_INITIATIVES/AWARD.HTML) (last visited February 24, 2016).
- Vault: The 20 Best Law Firms for Diversity: Each year Vault.com ranks law firms across a variety of categories including a specific ranking for diversity. Best Law Firms for Diversity, THE VAULT, [HTTP://WWW.VAULT.COM/COMPANY-RANKINGS/LAW/BEST-LAW-FIRMS-FOR-DIVERSITY/?sRankID=36](http://WWW.VAULT.COM/COMPANY-RANKINGS/LAW/BEST-LAW-FIRMS-FOR-DIVERSITY/?sRankID=36) (LAST VISITED DECEMBER 28, 2015).
- Working Mother Top 100 List — Law Firms: Working Mother recognizes law firms who implement policies that help working mothers balance the needs of their professional life and family responsibilities. *50 Best Law Firms for Women*, WORKING MOTHER, [HTTP://WWW.WORKINGMOTHER.COM/50-BEST-LAW-FIRMS-FOR-WOMEN-HAVE-BEEN-NAMED](http://WWW.WORKINGMOTHER.COM/50-BEST-LAW-FIRMS-FOR-WOMEN-HAVE-BEEN-NAMED) (LAST VISITED DEC. 28, 2015).
- DRI: The Voice of the Defense Bar: Each year DRI awards a Law Firm Diversity Award, SLDI Diversity Award, and the Sheryl J. Willert Pioneer Diversity Award. *About Us*, DRI: THE VOICE OF THE DEFENSE BAR, [HTTP://www.dri.org/About](http://www.dri.org/About) (last visited Dec. 28, 2015).
- MCCA awards individuals and or legal organizations that have made achievements in diversity. *Awards*, MINORITY CORPORATE COUNSEL ASSOCIATION, [www.mcca.com](http://www.mcca.com) (last visited Dec. 28, 2015).

Other resources for law firms or legal organizations considering submitting diversity plans for recognition include:

- Catalyst is a nonprofit research and advisory organization working to advance women in business. [www.catalyst.org](http://www.catalyst.org).
- The Great Place to Work® Institute provides information to transform your organization into a great place to work. [www.greatplacetowork.com/](http://www.greatplacetowork.com/).
- Human Rights Campaign: The HRC Corporate Equality Index is released each fall and provides an in-depth analysis and rating of large U.S. employers and their policies and practices pertinent to lesbian, gay, bisexual and transgender employees. [www.hrc.org/issues/workplace/cei](http://www.hrc.org/issues/workplace/cei).

It is also important to evaluate the individuals to create accountability and reward diversity-related efforts and achievements. The annual performance review, which should be linked to compensation, bonus, stock options awards and advancement, can include the following:

- Does this employee treat others with respect and foster inclusion?
- Create an inclusion list – ways for individuals to engage in inclusive behavior. For example: Attend an event sponsored by a diverse community, where the individual is the minority. Attend a CLE on diversity in the legal profession. Attend a diversity and inclusion conference. Serve on a bar association's diversity committee. Attend a function sponsored by a minority bar association.
- Credit timekeepers with hours spent on diversity and inclusion, pro bono and mentoring.
- Credit work on recruiting activities focused on diversity.

## V. Summary

Diversity and inclusion efforts are a work in progress. These efforts are never-ending, evolve slowly and

reflect the ever-changing culture or the organization. Key factors needed to achieve successful outcomes include:

- Encourage frequent, candid communication to correct misperceptions about diversity and diversity programs.
- Create an atmosphere of sensitivity and inclusion.
- Cultivate an attitude of respect and dignity in the workplace.
- Continue to evaluate the performance and results achieved; require accountability.
- Obtain commitment not only by senior management, as evidenced in both words and actions, but at all levels of the organization.
- Provide effective mentoring and sponsorship.
- Reward and recognize diversity successes and achievements.
- Make the financial commitment inside and outside the legal organization.

Whatever reasons lead your legal organization to develop and implement a diversity program, one thing remains consistent: be prepared. To stand the test of time, leaders must be proactive, plan ahead and establish the foundation for a diversity initiative that is flexible and reflective of their organization's unique culture.

## VI. Additional Resources

A full library of free, dynamic resources can be found at [www.alanet.org/diversity](http://www.alanet.org/diversity). The *Diversity & Inclusion Scorecard for Law Office Administrators* provides best practices, examples and offers a tool to measure your current efforts. Utilize the Scorecard to earn the "We Participate" seal for your website, along with recognition validating your firm's achievement. Contact the Committee on Diversity and Inclusion at [diversity@alanet.org](mailto:diversity@alanet.org).

Revised and edited by:

Mariel E. Piilola, JD

ALA Committee on Diversity and Inclusion

December 31, 2015