Best Diversity Practices in Law Firms
(And some of the not-so-good practices)

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This research is divided into three basic components:

A. Generic Best Practices
B. Best Practices by Specific Firms
C. Practices to Avoid

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Introduction

Will the next Bill Gates be an immigrant woman of color? Far-fetched? Consider that Wal-Mart, a consumer of approximately $200 million annually in legal services, recently terminated a law firm "strictly because of their inability to grasp our diversity expectations." In the May 2001 issue of Diversity & the Bar, Scott Mitchell wrote "law firm diversity is an oxymoron."

Moving from the hypothetical to the absolutes, diversity consultant, Jacob Herring probably said it the best. "Law firms who don't pay attention to their diversity will be the truly disadvantaged ones."

Bottom line: a workplace that encourages and supports differences also promotes innovative perspectives that ultimately result in better client service. Diversity if not some do-good–philanthropic topic for prosperous lawyers enjoying a drink at the club. Diversity is serious business: serious to business; serious for business ... not to mention that it is the right thing to do!

Generic Best Practices

How to Increase Diversity at Law Firms in Four Steps

1. COMMITMENT FROM THE TOP. The first and most important way to increase and support diversity in the workplace is to obtain a sincere commitment
from the top levels of firm management. Indeed, surveys conducted by the Minority Corporate Counsel Association (MCCA) show that law firm leadership involvement is a critical factor that distinguishes successful diversity efforts from those that fail. Law firm leaders must be vocal!

Most law firms would agree that having a diverse and inclusive workplace is a laudable goal. However, many are still uncomfortable openly discussing racial, ethnic and gender issues. Specialized training can play a crucial part in diversity success and awareness. Diversity consultants help generate candid dialogue that allows firms to recognize and manage inherent biases. Firms can initially rely on outside consultants to assess their needs and provide diversity training.

2. RECRUITING STRATEGIES. Firms will naturally measure the success of their diversity initiatives by the number of diverse candidates hired. Given increased competition for such candidates, firms need to implement innovative recruiting strategies and set inspirational goals. Innovative recruiting by itself is not enough. Clients want to see a demonstrable record of successful retention and promotion of diverse attorneys.

3. THE IMPORTANCE OF MENTORING. Mentoring can play an important role in contributing to the success of diversity in a law firm setting. To give formal mentoring programs the greatest chance for success, law firm leaders must visibly and vocally support them and lead by example. They should also make sure that mentors appreciate that their participation will greatly advance a core firm goal.

4. TRACKING PROGRESS. We cannot measure a robust, diverse environment solely by reference to a mathematical equation, numbers do matter — just ask any minority attorney. Tracking certain essential statistics helps firms identify which efforts work.

A Law Firm Diversity Manager

Less than half of large U.S. law firms have a designated diversity manager, and only half of these managers are dedicated full-time to the position, according to a survey on the role and responsibilities of the primary diversity staff member in AmLaw 200 firms, conducted in 2005 by Altman Weil, Inc. and the Minority Corporate Counsel Association (MCCA). Theresa Cropper, national director of diversity at DLA Piper, says that, "The position requires full-time commitment and attention if a firm wants to take their diversity efforts to the next level." Russell Harris, the diversity initiatives manager at Mayer, Brown, Rowe & Maw LLP, adds, "Appointing someone to lead the diversity program is indicative of the firm’s level of commitment."

The MCCA survey also stated that the ten top responsibilities of a Diversity Manager are:

1. Develops and promotes diversity goals and strategies.
2. Ensures implementation of both a short-term and long-term strategic diversity plan.
3. Works with the recruiting committee.

4. Promotes awareness of issues that impact diversity in firm management, operations, and governance.
5. Ensures that the firm supports law school minority organizations and local and national minority bar associations.
6. Develops programs to ensure that the firm has an environment that fosters inclusiveness and support for all lawyers to encourage retention.
7. Implements and monitors objectives and strategies.
8. Presents diversity updates at management committee meetings or as requested by firm management.
9. Works with the firm's professional development committee.
10. Continually evaluates the effectiveness of the firm's structure, policies, and practices.

Diversity management in law firms is becoming a niche industry. More and more, continuing legal education programs, bar associations, affinity groups, and other initiatives are serving as resources for ongoing information gathering and education.

A major corporate world initiative that reflects this thinking is the so-called "A Call to Action -- Diversity in the Legal Profession" authored by Rick Palmore, the chief legal officer of Sara Lee. The Association for Corporate Counsel endorsed it last October and followed a similar pledge in 1999 by 500 major corporations called "Diversity in the Workplace -- A Statement of Principle."

The Call to Action document says that more diverse law firms will translate into better business. It says "the legal and business interests of our clients require legal representation that reflects the diversity of our employees, customers and the communities where we do business."

**Best Practices by Specific Firms**

**Alston & Bird Indifference is not a core value.**

FORTUNE Magazine ranked Alston & Bird in their "100 Best Companies" for the last seven years. This year it was # 19, the highest ranking law firm.

To put it simply, we are increasing diversity in thought, action, and background. We believe that diversity propels people through stages of complexity, competition, flexibility, and ultimately cooperation. That means our firm will thrive. And that's how you know this commitment is lasting.
Liz Price, of Alston & Bird, said when she first started in law 20 years ago, she'd show up for a deposition and be mistaken for the transcriptionist. Price, a partner at Alston & Bird and the fourth female president of the Atlanta Bar Association, said female members make up 30 percent of the ABA's membership and half of new lawyers who join the firm are female.

Alston & Bird has over 60 multilingual attorneys who speak 16 languages.

Their commitment extends to their gay and lesbian lawyers who enjoy domestic partner benefits.

In 2002, they constructed a stand-alone, state-of-the-art, near-site child care center in Atlanta, available to all Alston & Bird employees and attorneys. They know of no finer child care facility in Atlanta.

Kirkpatrick & Lockhart LLP (K&LNG)

K&LNG was the first major law firm to appoint a Management Committee-level Chief Diversity Officer (CDO). The idea of a CDO is a concept whose time has come. By creating the position of Chief Diversity Officer, K&LNG launched one of the most ambitious diversity initiatives to occur in a major law firm. The CDO focuses on three major objectives:

1. Expanding recruiting activities.
2. Developing a firm-wide mentoring program that includes gender and race specific innovations to enhance retention of these two groups' members.
3. Promoting the law firm among minority constituencies as well as promoting awareness of K&LNG's diversity initiatives to the wider community at large.

This [diversity effort] is truly a humbling yet remarkable undertaking for our firm, as our character will be measured not by what we do for the majority among us, but by how we assist and empower those least able to voice their concerns.

Morrison & Foerster

Others recognize the strength of our culture: we are on FORTUNE's 2006 list of Best Companies to Work For, and American Lawyer's 2005 "A" list, and for many years running, have been Vault survey's #1 law firm for diversity.

Long before the word became fashionable, Morrison & Foerster made a strong commitment to the idea, and the ideals, of diversity. Thirty years ago, our partners—progressive, forward-looking individuals—believed that diversity was worth pursuing both as the right thing to do and because it would be invaluable to clients. Today, a commitment to diversity has become an integral part of our
firm's identity, recognized by many respected institutions including Vault.com that ranked us the #1 law firm for diversity for four consecutive years (2002-2003 through 2005-2006).

How is that commitment valuable? First and foremost, a diverse group of lawyers results in multiple perspectives, richer thinking, and more creative solutions to the challenges our clients face—and when everyone’s ideas and insights are welcomed and valued, our teams move more quickly to the right solution.

Second, a commitment to diversity has generated a culture of mutual respect throughout the firm. The term “collegial” is particularly apt at Morrison & Foerster. We genuinely like working together, which offers a powerful benefit to clients: Our turnover rate is lower than many comparable firms, which ultimately translates into stable, enduring relationships with clients. Moreover, the culture at Morrison & Foerster fosters a team approach to client challenges, leveraging our collective experience to generate better, more cost-effective solutions.

Finally, a diverse team of lawyers reflects the diversity of the real world of judges, jurors, and the legal system as a whole, clearly benefiting our ability to represent clients in the courtroom.

**Perkins Coie**

Perkins Coie is committed to the growth and development of a workforce and legal community that reflects the rich diversity of our community at large. To that end, we are active in a number of areas, including the following:

**Attorney Recruitment**

- Minority Hiring Task Force established in 1988 to develop and run programs to improve our recruitment and retention of minority attorneys.

- Perkins Coie 1L Student Fellowship. A student fellowship offered to diverse first-year law students at ABA accredited law schools. The fellowship provides a $7,500 academic scholarship and a paid position with the Phoenix, Portland, Seattle or Washington D.C. office as a summer associate during the summer immediately following the student’s successful completion of his/her first year of law school.

- Recent participation in the Northwest Minority Job Fair, the Southeastern Minority Job Fair, the Colorado Pledge to Diversity Minority Summer Clerkship Program, the Black Law Students Association’s Midwest Minority Recruitment Conference and the Oregon Minority Attorneys Association’s Annual Minority Law Student Social.
Ambassador Guide. A list of diverse attorneys practicing in the Greater Seattle area who have volunteered to serve as "ambassadors" to minority law students interested in Seattle and the Northwest legal communities. The list is available in campus placement offices or through the attorney personnel department.

Perkins Coie Diversity Contact List. A list of diverse attorneys at the firm who volunteer to serve as contacts for candidates with questions. This list is on our web site, in recruiting packets for call-back interviews or through the attorney personnel department.

Our Diversity Committee approved and implemented the following:

Attorney part-time policy

Subsidized child care for attorneys and staff at Seattle and Anchorage hospitals when a child's illness prevents the child from attending his or her regular child-care provider

Partially subsidized backup child care services through a Nanny agency for attorneys and staff in Seattle and Bellevue when a child's illness prevents the child from attending his or her regular child-care provider or an employee's work demands include travel, after hours meetings or other work related purposes

Expansion of the firm's leave-of-absence policies for attorneys to include adoption

Business development training specifically targeted for women attorneys

Sponsorship of events, including quarterly luncheons, to bring together women and minority attorneys to discuss issues and provide a forum for specific topics of interest

A mentor program for entry-level women and minority attorneys

Outreach to diverse law student organizations to partner and collaborate on events and programs

Vinson & Elkins

We encourage our lawyers to attend seminars, conferences and bar meetings that highlight issues relevant to attorneys of color, including client development techniques, networking and general issues of diversity. Our partners and associates sit on the boards of over 300 charitable, educational, governmental and professional organizations around the world.
Diversity is pervasive in our pro bono activities, as demonstrated by our history of undertaking various cases that support diversity, such as representing The University of Texas School of Law in defense of its use of affirmative action in law school admissions in the Hopwood case.

In our continuing effort to attract and foster the best and brightest lawyers, V&E launched a formal Women's Initiative that we believe sets the standard for our profession. Like the Diversity Task Force, the Women's Career Development Council helps our female lawyers expand their career opportunities and balance work-life issues.

Our New Lawyer Mentoring Program, developed with input from the Women's Career Development Council, the Diversity Task Force and our outside Women's Initiative Advisory Board, insures that our new associates become integrated into their sections, the firm and the practice of law.

**Practices to Avoid**

No law firm can afford to keep losing female lawyers and/or attorneys of color. Studies show an associate's departure costs a law firm about $415,000 in recruiting, training, salaries, overhead, severance, outplacement and other costs - not including hiring a replacement.

Nearly half of the law school graduates are women. Fewer than 20% are partners. Northern Virginia is one of the lowest regions at 12.4%.

Mentoring Programs. Avoid the sexist notion that only women can mentor women, or that only Latinos can mentor fellow Latinos, and the exclusion of men from the program both as mentors and mentorees.

**7 Reasons Why Law Firm Diversity Initiatives Fail**

Many law firms understand the importance of building a diverse workforce. The changing demographics within the United States have signaled to firms that diversity is an important goal that will affect the firm's viability and ultimately the bottom line. In response, many firms have launched diversity recruitment efforts designed to bring more women and attorneys of color into the firm. The problem has been that within a few years of being hired attorneys that qualify as diverse leave the firm in search of more inclusive, diverse and culturally competent work.
environments. Below are some critical reasons why attempts at creating diversity have failed.

1) Lack of Commitment at the top: In order for diversity initiatives to succeed, there must be vigorous support for it at the senior level of the firm.

2) Failure to assess the firm's environment: Assessment is critical in helping to create and implement an effective diversity initiative plan.

3) Over emphasis on recruitment and hiring: Relying on recruitment as a primary means of creating diversity will prove to be an ineffective strategy. Retention and development of a strong and diverse pool of attorneys depends upon the firm's ability to create a work environment that values and leverages difference, mentors cross culturally and consistently measures and monitors the progress and development of all attorneys.

4) Failure to include diversity objectives in the organizations strategic plan.

5) Lack of understanding of diversity phases: Many firms fail to view the creation of a diverse organization as a developmental process. Finally firms must understand that building a diverse and inclusive work environment is an ongoing effort.

6) Ignoring the importance of training and development: Cultural competence and diversity training with a focus on building awareness and alliances vs. blaming and shaming? It is critical to creating a productive, diverse and inclusive workforce.

7) Cultural Incompetence: Many firms communicate a desire to build an inclusive and diverse work environment yet they still place a high value on sameness.

**Good Net Sources**

A Diversity Self-Assessment Tool for Law Firms [www.mcca.com/site/data/magazine/coverstory/1003/diversityselfassessment1003](http://www.mcca.com/site/data/magazine/coverstory/1003/diversityselfassessment1003)


eLawForum [www.elawforum.com](http://www.elawforum.com)


Minority Corporate Counsel Association (MCCA) [www.mcca.com](http://www.mcca.com)
Summary

At a recent conference, there was a panel of distinguished lawyers and diversity experts. One of the main questions posed to the panelists was, "given your businesses and your interest in promoting diversity, do you agree with the business necessity/argument/justification for diversity?" Without hesitation, all responded that diversity is a necessity, as well as the right thing to do. Diversity means "inclusion," and that is good for the bottom line and is simply good business practice.

There are five important operating values implicit in any diversity leadership initiative and process:

(1) Diversity leadership is about maximizing the inclusion of everyone in the organization. Diversity is about all of us, and diversity must include all.

(2) Diversity leadership seeks to increase the value-added opportunities and resources that result from knowing and understanding the similarities and differences in our workforce.

(3) Diversity leadership facilitates the creation of a positive working environment for the effective and successful contributions of individuals and teams to the organization.

(4) The diversity process would help to unify the organization.

(5) The diversity process results in the synergism of the "human energy and resources" in the organization.

Diversity is a field that is very challenging and rewarding. Diversity benefits to our nation, our people, our businesses, our organizations, and our communities.