

Creating & Sustaining a Diverse and Inclusive Culture at a Law Firm: A Case Study

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Early History

- Client message at Firm retreat in 2006
- Formation of Diversity Committee
- Search for a Consultant
- Consultant's Assessment of Leadership Commitment
- Assessment of Firm Culture: Focus Groups and Individual Interviews
- Presentation of Findings

Issues Identified

- Retention and progressive promotion (e.g., advancement to senior associate status, then ownership) of attorneys of color;
- Associates' concerns about the need for full knowledge of the options for work/life balance and the consequences of exercising these options for career advancement.
- The experience of some staff of less respectful treatment than that accorded to attorneys.

Goal of Diversity Initiative

A workforce of attorneys and staff with diverse backgrounds and perspectives, all of whom provide the highest quality services to B & D's clients and have equal opportunity to live up to their individual potential for success and feel included as valued members of Beveridge & Diamond.

Three key objectives:

- ✓ Retain and promote women attorneys
- ✓ Recruit, retain and promote minority attorneys
- ✓ Engage all lawyers, managers and staff

Obstacles to Addressing Issues Identified and Moving Toward Goal

- Assumption that fair-minded people who want diversity will be able to create and sustain a diverse organization by bringing in and assimilating people from diverse backgrounds and that nothing else needs to change, at either an organizational or individual level.
- Assumption that “colorblindness,” while regarded as a valued aspiration by a majority at B & D, has the potential to discount “in-group” and “out-group” experiences that occur and are reinforced in countless ways every day.

Obstacles, cont.

- Assumptions about meritocracy (i.e., that everyone who works hard has an equal chance to live up to their potential to succeed.)
- Implicit/unconscious (and unintentional) bias that favors similar (and disfavors dissimilar) individuals and groups.
- Implicit/unconscious (and unintentional) bias that negatively affects behavior toward and judgment of stereotyped groups, most prominently women and people of color in high-status positions.

Training Plan

- All attorneys
- All staff
- Four 4-hour sessions
- Conducted by consultants in all offices

Training Plan Developed with Consultants

- **Part I :**
 - What Does It Mean to Have a Diverse Law Firm?
- **Part II:**
 - Unexamined/Implicit Bias and the Implicit Association Test (IAT)
- **Part III:**
 - Micromessaging
 - Self-fulfilling prophecies
- **Part IV:** Constructive Engagement

Actions

Diversity & Inclusion Training for All

- Pilot Dec. 2007
- Firm-wide training Jan-May + August: out of 120 employees, 111 people attended the training; 63 attorneys and 48 staff at all offices.
- Training for New/Missed Attorneys and Employees Nov. 2008 in D.C.
- Additional Full training in 2010 for new hires and anyone that missed previous training: 45 people, all offices
- Feedback and Lessons Learned
- Build on Training going forward

Training Scenario: “Lola”

Lola, an African American Ivy League graduate, had recently been recruited from the federal government to a firm and accepted the offer in order to hone her expertise in complex litigation and land use. As a newcomer to the firm, she arranged to meet with every partner in her area in order to learn about their practices and seek out good work assignments.

“Lola”, cont.

Each time she asked a partner for work, however, she was referred back to the assigning partner, from whom she received assignments that primarily involved document management and administrative tasks. To several partners she explained that, as a senior associate, she needed more substantive projects in order to further develop her skills and advance in the firm. But each time she was told that the assignment system had been developed in order to ensure equitable work distribution and that she needed to work within that system.

“Lola”, cont.

Never having directly received any negative feedback on her work prior to the evaluation, Lola was stunned to hear that one partner had given her a scathing review on a writing assignment—one he had been delegated to her at the last minute and which she had completed without sufficient time or any opportunity to confer with the partner.

Lola spoke to the partner in charge of career development for her practice group about her difficulty obtaining career-building assignments. He told her that although the firm had a formal assignment system, in practice, the firm operated on a free market system. The poor quality of her assignments reflected her failure to successfully market herself to the right partners.

“Lola”, cont.

She also told the career-development partner how confused she was by the negative comments about her writing. He told her that understanding partner feedback was often a matter of making the “right interpretation”—a heavily-edited document might suggest a negative evaluation of skills, as could receiving very little feedback from a partner. He explained that some partners were better than others at communicating their perceptions of work quality and that he was sorry she’d been surprised by the evaluation.

Constructively Engaging Differences

- Practice discussing difficult situations
- What should we do when we experience “bias”?
- How should we address situations we witness that appear to reflect unexamined bias?
- How can we raise performance concerns without appearing biased?

Actions (with consultants)

- Written Policy on Flexible Work Arrangements
 - Roll-out Fall 2007
 - “Learning” Meeting April 2008
 - Recognition by Project for Attorney Retention (DC-PAR)

Actions (with consultants)

- Other Diversity Activities:
 - Website Updates
 - Marketing and Bar Events
 - RFPs
 - Coordination with Recruiting Outreach
 - Other External Efforts (ELI, PAR, other appropriate publicity)

Actions – Post Consultation

- Ongoing Dialogue to Build on Training
- “Diversialogue”
 - Formal quarterly events
 - Firm-wide, rotating planning with all offices
 - E.g., Generational Diversity; Work-Life Balance, Getting Fit at Work; Blending Cultures Around the Holidays
 - Informal meetings/gatherings
 - E.g., Diversity Book Club, Cook Book blog
 - Goals include:
 - Delve into topics from training
 - Encourage/facilitate conversations

Initiatives- External

- Leadership Council on Legal Diversity
 - Diversity Fellow – Now supporting our 3rd Fellow; women and minority principals
 - Rooney Rule
- MCCA
 - Annual Conference in NYC; Awards Gala; GCI Invitational
 - FAN program
- Environmental Law Institute (ELI)
 - Diversity in Environmental Law Series
- Diversity & Flexibility Alliance (PAR)
- DC- Diverse Partners Network

Initiatives – Pipeline & Recruiting

- Howard Law School Environmental Law Program
- Thurgood Marshall Opportunity Program, Maryland Attorney General, Law Schools and Law Firms
- LCLD Law School Mentoring Program
- Urban Debate League
- Environmental Law Institute Intern
- Minority Resume Collection
- LCLD 1L Scholar, 2012 and 2013

Initiatives - Internal

- Training programs in 2013
 - Initial comprehensive training for new people since 2010
 - Focused sessions for everyone
 - New hire training
- Getting to Know You and Cookbook
- Coordination with Recruiting + pipeline Client Surveys and RFPs
- Individual Action/Commitment Initiative

Accomplishments since 2006

- Percentage of women shareholders has risen from 24% to 33%, three of whom are minority
- 4 of 7 Management Committee members are women
- Half of associates are women, up from 46%
- Minority Managing Shareholder
- Percentage minority associates has risen from 6% to 24%
- Percentage of associates working flexible work arrangements has nearly doubled

Accomplishments since 2006

- Awards and Recognition
 - PAR recognized B&D for having the greatest proportion of women in their new shareholder class of 2011. B&D promoted 6 attorneys to shareholder, 5 of whom are women. PAR acknowledged B&D for its promotion of part-time attorneys in the 2011 shareholder class.
 - AT&T Legal Department Award
 - Managing Shareholder awards and recognition



Ongoing Commitment

- Budget increase, even through recession
- This past year, 2012, approximately 37% of attorneys at the firm and 13% of staff participated in B&D Diversity & Inclusion Activities: Our goal for 2014 is 100% participation
- Recent survey indicates strong interest in continuing evaluation and communication regarding flex work arrangements



Lessons Learned/ Keys to Success

- Leadership
- Investment (time and money)
- Constant reassessment and renewed commitment