

Keeping Our Eyes on the Prize: Identifying and Addressing Diversity Fatigue Among Diverse Students and Lawyers



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Diversity Fatigue: What are we talking about?

(di.VUR.suh.tee fuh.teeg) *n.* A form of mental exhaustion brought on by the constant attention required to ensure a workforce or other group is racially or ethnically diverse.

from Word Spy.com

Diversity Fatigue: Who's talking about it?

Are Americans Suffering Diversity Fatigue?

It's clear people are tired of walking on eggshells, afraid to offend those with different beliefs, ideas, and lifestyles. It's grown exhausting, and they want their lives back. The idea of diversity seems to have worn out its welcome. It is now like a house guest who has stayed too long.

Po Bronson with Ashley Merryman, *Time U.S.*, May 31, 2006



Diversity Fatigue: Who's talking about it?

“Women and people of color are not yet at parity when it comes to leadership positions in business, yet at the time we should care more than ever about race and gender, diversity fatigue has set in.”

Shirley Engelmeier, chief executive of 11–employee consulting firm [InclusionINC](#) said in *Bloomberg Business Week*, May 2012



Diversity Fatigue: In Our Own Backyard

“Minorities still represent only about 10% of the legal profession. More distressingly, hard-earned percentage gains of the 1990s and the early 2000s are slowing down or even reversing course since the 2008 financial crisis. Given these statistics, there clearly is much work left to do. Yet there are palpable signs of “diversity fatigue” creeping into our rhetoric and priorities. Some of us feel like we have done enough to give diversity due “preference.” Alternatively, others are discouraged by the lack, or the slow pace, of meaningful progress and question whether the “diversity” movement is mostly rhetoric and window dressing. I would venture to guess that many of us feel that we are simply tired of hearing about diversity and inclusion and that we have heard it all before.”

Daphne Aronson, Director of Diversity, Kutak Rock LLP
Diversity Matters, Fall/Winter 2012



Signs of Diversity Fatigue: Diverse Student Population

- ❖ **Diversity fellowship applications down.**
- ❖ **Student registrations for diversity job fairs down.**
- ❖ **Attendance at law firm diversity receptions down.**
- ❖ **Participation in diverse student organizations down.**



Signs of Diversity Fatigue: Diverse Attorney Population

- ❖ **Failure to take advantage of firm diversity initiatives.**
- ❖ **Participation in non-mandatory firm diversity programs down.**
- ❖ **Participation in diverse outside organizations down.**
- ❖ **Participation in diverse affinity groups down.**





Reasons for Diversity Fatigue: Diverse Student Population

❖ **They don't think that diversity initiatives apply to them, don't see themselves in the struggle.**

❖ **Non-conformists**

❖ **Trying to dispel the perception that the bar was lowered so that minorities can jump over it.**

❖ **Students do not want to get a position through a diversity program because they feel, as Justice Thomas has indicated, that others will likely regard a minority candidate with greater skepticism if a diversity program is involved.**

Views from the Field

- ▶ “Well the only reason that I could think of not to apply to a diverse event is that I would feel segregated. Like I was being targeted just because of my classification as a minority. I'd want to compete with majority candidates as well, instead of feeling like I'm fulfilling an affirmative action quota.” – 1L student, Top 5% of class
- ▶ “If, when researching the employer, it is clear that there are no minority attorneys or to the extent that there are, they represent such a small percentage (i.e., 0–10%) of the employer's team, I would probably not attend. Although the employer has decided to participate in a ‘targeted’ recruiting program, it would appear obvious to me that the employer's participation is more or less a formality rather than a commitment.” – 3L student, Top 10% of class



Reasons for Diversity Fatigue: Diverse Attorney Population

- ❖ **Difficulty in navigating two cultures, so they choose to ignore their diversity to fit in with the majority culture.**
- ❖ **Care about diversity, but time is an issue when the metrics of success revolve around billable hours.**
- ❖ **Not sure how to navigate firm politics when it comes to diversity issues or lack of firm support.**
- ❖ **Competitive lawyers don't want to be seen as weak and needing special treatment.**
- ❖ **Affirmative action stigma: white colleagues "look at you funny."**

Views from the Field

- ▶ “If it meant sacrificing crucial billable hours, I would not attend.” – Large law firm associate, Class of 2008
- ▶ “I've always perceived that diversity programs were never really intended for ‘diverse’ participants but rather for all and primarily for ‘non-diverse’ participants to expose them to ‘diverse’ cultures in an effort to build tolerance and acceptance. – Mid-size law firm associate, Class of 2006

Strategies to Combat Diversity Fatigue



1) Control the message.

❖ Nomenclature is very important. (Think “gun control” v. “gun safety”)

❖ How to present the message for maximum effectiveness.

Corporate Culture

	Who are they?	Views on Relationships	Views on Communication	Value in the Workplace
1900 - 1945	<u>Traditionalists</u>	Personal Sacrifice	Face Time Personal	Loyalty Similarities Vertical Hierarchy
1946 - 1964	<u>Baby Boomers</u>	Personal Gratification	Face Time Network Responsive	Profitability "Sink or Swim" My Way or...
1965 - 1980	<u>Generation X</u>	Reluctance to Commit	Maximize Technology Rapid Response	Career Mobility Flat Hierarchy Balance 360° Feedback
1981 - 2000	<u>Generation Y</u>	Inclusive Part of a Team	Minimal Face Time Reactive	Diversity Structure Teamwork Flexibility

Strategies to Combat Diversity Fatigue cont.



2) Let them know what's in it for them.

❖ **Leadership in firm**

❖ **Camaraderie**

❖ **Job Connections**

❖ **Clients**

❖ **Mentors**

Strategies to Combat Diversity Fatigue cont.



3) Have others share their experiences.

4) Develop mentor programs.

5) Facilitate open communications about reasons for not participating.