Beyond Diversity
INCLUSIVENESS
In The Legal Workplace
Executive Summary

CENTER FOR
LEGAL INCLUSIVENESS
the path to transforming the legal profession

Executive Summary
Beyond Diversity: Inclusiveness in the Legal Workplace

Overview

This Executive Summary is a synopsis of *Beyond Diversity: Inclusiveness in the Legal Workplace*, (hereafter referred to as the "Manual"), which was created specifically by the Center for Legal Inclusiveness to help law firms, corporate law departments, government law offices and other legal organizations take their diversity and inclusiveness efforts to the next level.

The information in this summary provides the general framework to understand the new paradigm of inclusiveness and the many resources within the Manual that can help your organization.

This should not be viewed as a replacement for the in-depth instruction and exercises found in the Manual. As with the Manual, the Executive Summary follows a step-by-step process. However, integrating diversity and inclusiveness into your organization will not be linear. Review the Executive Summary and then return to those sections which need additional focus.

Executive Summary Chapters

Introduction to *Beyond Diversity: Inclusiveness in the Legal Workplace*
Step 1: Laying the Internal Foundation
Step 2: Creating an External Support System
Step 3: Integrating Inclusiveness within Your Organization
Step 4: Integrating Inclusiveness into External Relationships & Communication
Step 5: Implementation
Step 6: Collective Efforts and Success: The Inclusiveness Network
Inclusiveness in Law Schools

Special thanks to CLI's Executive Summary subcommittee for their dedication in bringing this summary to fruition.

To access the complete Manual, become a member of CLI or a paid subscriber.
Contact 303-832-3503 or execdir@legalinclusiveness.org.

Introduction to *Beyond Diversity: Inclusiveness in the Legal Workplace* (the "Manual")

Introduction: This chapter focuses on the need to have the leadership of your organization involved at every stage of the process in order to ensure success.

Who can benefit from this chapter: Anyone interested in diversity and inclusion.

How this chapter can help you: Provides basic information on diversity and inclusiveness, and the related data for the legal profession and underrepresented groups.

    I.   **Inclusiveness 101** – pp. 10-26

Many workplaces invest in recruiting people from underrepresented populations only to see higher attrition rates within these groups. Why does the legal profession have revolving doors for diverse groups? Could it be that legal employers have not done enough to embrace the different backgrounds and perspectives they bring?

The Difference between Diversity and Inclusion

Many people use the terms "diversity" and "inclusiveness" interchangeably, but in both concept and practice they have very different meanings.

For our purpose, *diversity* describes "compositional diversity" – the extent to which a legal organization employs people from diverse backgrounds and communities.

Primary dimensions of diversity include race, ethnicity, gender, age, religion, disability, sexual orientation and gender expression. Secondary dimensions can include lifestyle, communication style, personality type, learning style, economic status, geographic origin, education status, generation, avocation, work experience, world travel experience, political views, philosophical views, parental status, appearance, veteran status, nationality, and more.

Inclusiveness is a practice and value that results in active, intentional, and appreciative recognition of diversity and the utilization of the nuanced resources it brings to the organization.

Inclusive organizations not only have a diverse composition, but value the perspectives and contributions of clients and employees alike, striving to incorporate their needs and viewpoints into the culture and practice of the organization. Inclusive organizations are therefore, by definition, diverse at all levels.

Inclusiveness moves beyond numbers, to the embedding of practices and philosophies that encourage diversity in every aspect of an organization. Although numbers are a critical component of any diversity initiative, as long as diversity in the legal profession is viewed (as it largely has been) solely as an outcome — a number, a phase, or a stand-alone goal — progress will be elusive.

The concept of inclusiveness shifts the responsibility for diversity and inclusion from one person, committee, or department to every person in the institution. An inclusive culture is one where every employee's unique talents are utilized and encouraged. It is a culture where everyone receives equal opportunities to grow.

The ultimate goal for any diversity and inclusiveness initiative is to create greater cognitive diversity. Harnessing different perspectives, experiences, and backgrounds has proven to be beneficial to organizations in terms of creativity, innovation and profits fostering the highest level of excellence in client service.

Engaging the Will to Change

Embarking on an inclusiveness initiative is a pivotal decision for an organization. Eventually, it requires the participation of everyone in the organization to be fully successful. Legal organizations must develop a shared understanding of the benefits of inclusiveness if they expect all of their employees to support an inclusiveness initiative.

In order to build a shared commitment that can result in change, it is crucial to cultivate the understanding of why the work is important, to impart the vision of the inclusive organization, and to set goals that can lead to the fulfillment of this potential.

An organization's leaders must seek to understand the politics, stakeholders, and business model of the organization to effect change. This requires an understanding of the deepest external and internal motivators for decision-makers. Some people will only invest in an inclusiveness initiative if they know there is a personal benefit. Moral and ethical reasons to initiate inclusiveness do not incentivize all people.

Key to a successful initiative is to know those with influence within the organization. Once you identify those people, the following reasons can help them understand why diversity and inclusiveness are important:

- Increasing Competitive Edge, Innovation, Creativity
- Personal Benefit – You Aren't as Smart as You Think You Are without Diversity
- Keeping Clients, Attracting New Clients
- Maximizing Profits
- Better Recruiting
- Lower Attrition and Reduced Turnover Costs
- Greater Productivity and Engagement
- Reduced Liability
- Moral/Ethical/Equity – It's the Right Thing to Do

Misperceptions and Myths about Inclusiveness

When starting an inclusiveness initiative, leadership and members of the Inclusiveness Committee may need to spend some time dispelling common assumptions and misperceptions about inclusiveness, detailed in Table 2, p.22. in the Manual.

Inclusiveness Initiatives

An inclusiveness initiative is a concerted, organized effort on the part of an organization to value and include the diversity of all individuals, with a focus on increasing and integrating historically excluded populations.

Unlike diversity initiatives that focus primarily on statistics, events, and limited attempts to change the structure and culture of an organization, inclusiveness initiatives focus on integrating inclusion into everything that the organization does. In other words, if diversity seeks to change the face of an organization, inclusiveness seeks to change the organization itself.

Whether you are creating a new inclusiveness initiative or advancing an already robust effort, it is important to recognize that the process is cyclical. As you implement the six steps of the Inclusiveness Manual and move from one level of inclusiveness to the next, you may have to re-evaluate and revisit how you are approaching and advancing inclusiveness in your organization. What worked during early efforts may not work as your inclusiveness initiative becomes more sophisticated.

Finally, advancing inclusiveness is a journey, not a destination. Even organizations that advance into the highest level of inclusiveness need to be diligent in their efforts to stay at that level. Barriers that are removed can incrementally be erected again if the workplace is not persistent in maintaining an environment that is truly open to all.

Becoming more inclusive requires a commitment to an in-depth, extended process. This Manual is best suited for those organizations able to make that commitment.

Over time, most organizations will develop mechanisms to ensure that inclusiveness is institutionalized at every level. For example, it may become so integrated into the strategic planning process, performance reviews, recruitment, and the organization as a whole, that it is no longer necessary to maintain a separate inclusiveness initiative. You will always want to take steps to ensure that your programs and organizational culture are inclusive and that newcomers to your organization share an understanding of inclusiveness. This, too, will evolve to simply be a part of the way your organization does business.

Be Strategic in Starting an Inclusiveness Initiative
Where do you start if few members in your organization are ready to pursue an inclusiveness initiative? This is perhaps the greatest challenge in establishing, sustaining, and embedding an Inclusiveness Initiative in every aspect of the organization.

You must be strategic in your thinking on this issue:

- Are there important clients who ask about diversity and inclusiveness in RFPs that can be leveraged?
- Become fluent in the "why" of D&I so you can customize your messages to different constituents.
- Come up with a clear, comprehensive and non-negotiable case for diversity and inclusiveness.
- Create an outside accountability mechanism, such as participating in CLI's Inclusiveness Network or creating an external advisory board (discussed in Step Two).
- Create internal accountability measures, such as quarterly reports on clients who ask about diversity and inclusiveness in RFPs which are communicated to all partners.
- Have key allies in leadership.
- Appeal to people's competitive nature by pointing to similar organizations making headway with diversity and inclusiveness (D+I).

Summary
Inclusiveness work is a marathon, not a sprint: it will take time, patience, endurance, and continuous leadership. Throughout this Manual, your organization will likely experience highs and lows, and it will need internal strength and external support. The Manual provides you with a concrete action plan and implementation plan to make your organization more inclusive.

II.   AIM for Excellence-Advancing Inclusiveness Model – pp. 27-33

As shown in Table 3, p. 30 in the Manual, the five levels in the Advancing Inclusiveness Model (AIM) for Excellence, a model for the legal profession based on research by Evangelina Holvino and others, describe what organizations look like and how they operate at each level. Before your workplace embarks on an Inclusiveness Initiative, it is important to study the five levels and assess the level at which your organization currently operates.

> **Complete Exercise 1:** Assessing your organization's level of inclusiveness (Appendix A).

What are the Steps of an Inclusiveness Initiative?
The steps required to advance from one level to the next are outlined below.

Table 4. Steps to Creating an Inclusive Organization

STEP 1:	*Laying the Internal Foundation (RED)* Leadership Creating an Inclusiveness Committee White Male Allies Overcoming Apathy Removing Barriers & the Impact of Bias
STEP 2:	*Creating an External Support System (ORANGE)* External Advisory Board Consultants & Trainers Other Organizational Resources (i.e., Bar Associations, etc.)
STEP 3:	Integrating Inclusiveness within Your Organization (BLUE) Examining Your Organizational Culture Building the Case for Inclusiveness Gathering and Analyzing Information Removing Structural Barriers Inclusiveness Training & Diversity Dialogues Ten Ways to Fight Diversity Fatigue
STEP 4:	Integrating Inclusiveness into External Relationships & Communication (PURPLE) Web Presence Client Communication & Marketing Recruiting/Hiring Communication & Marketing Strategic Community Involvement
STEP 5:	*Implementation (GREEN)* Creating an Inclusiveness Action Plan Enforcing Accountability Measuring Success
STEP 6:	*Collective Effort & Success: The Inclusiveness Network (YELLOW)* Case Studies of Legal Organizations Embracing Inclusiveness

These steps can sometimes be achieved in a linear way where you progress from each step to the next; however, it is quite common to accomplish these steps in a cyclical way that allows for revisions to goals, strategies and resources.

III.   Successful Inclusiveness Initiatives in Other Sectors – pp. 34-39
Even though inclusiveness is relatively new to the legal profession, other industries and sectors have fully embraced inclusiveness and have made significant progress with respect to diversity (representation of various social identity groups). This section highlights the efforts of other professions with their inclusiveness initiatives.

IV.   Diversity in the Legal Profession – pp. 40-52

Diversity in the legal profession most often focuses on these four underrepresented groups – racially/ethnically diverse, female, disabled, and LGBT attorneys. It is important to note that inclusiveness requires focused work on any group that is marginalized.

This section looks at the demographics, attrition rates, race/ethnicity, gender disparities, sexual orientation, and disability in the legal profession.

V.   Removing Barriers and the Impact of Bias – pp. 53-62

Studies reveal there are hidden barriers in legal organizations that cause higher attrition rates for diverse attorneys.   Diverse attorneys can be viewed, often unconsciously and unintentionally, as outsiders due to their difference (race/ethnicity, age, gender, sexual orientation, disability, etc.).   National research studies clearly demonstrate this outsider status can make it difficult for diverse attorney to be informally included in so many subtle aspects of the organization that are required for success.

Research indicates female and diverse attorneys have more limited access to intangible opportunities critical to advancement. This section discusses the ten most common hidden barriers.

Bias in the Legal Workplace

Bias – intentional, as well as unconscious or unintentional - has been identified in research studies as the underlying cause of higher attrition rates for diverse attorneys. The most blatant instances of intentional bias have been replaced by barely perceptible, but consistent, instances of exclusion and slights that accumulate over time into something just as damaging as overt, intentional discrimination. These types of biases are classified as micro-inequities.

The only effective way to deal with micro-inequities and their damaging impacts is to discuss them openly and regularly, especially among those in leadership positions. Making people aware of their unconscious bias will help interrupt the bias and change behaviors. Leaders, however, have the responsibility to do more. Good leaders will make cultural and structural changes that diminish the impact of unconscious bias.

> **Complete Exercise 2:** Exploring Unconscious Bias and
> Micro-Inequities in the Workplace (Appendix A).

Affinity bias (showing bias or preference for those with whom you are comfortable) leads to situations where some attorneys are left out. "In-group" favoritism causes the majority attorneys (for the most part, unconsciously) to share the "playbook" and opportunities with others in their comfort zones, with the unintended consequence of keeping diverse attorneys on the sidelines, feeling invisible and marginalized.

> **Complete Exercise 3:** Exploring Unconscious Preference
> (Bias For) in the Workplace (Appendix A).

This section also discusses several ways to combat hidden bias.

Overcoming Hidden Barriers is an Ongoing Battle

Inclusiveness requires systemic changes and monitoring that will help break the cycle of lingering biases that hold the glass ceiling firmly in place.

Step 1: Laying the Internal Foundation

Introduction: This chapter focuses on the need to have the leadership of your organization involved at every stage of the process in order to ensure success.

Who can benefit from this chapter: Members of the Diversity and Inclusion Committee and leaders of the organization.

How this chapter can help you: This Chapter will guide you in the creation or revitalization of your committee.

I.   Leadership – pp. 64-71

Roles and Responsibilities of the Organization's Leadership

Understanding and utilizing diversity is about consciously creating a work culture that brings out the best in everyone. Effective leaders help create that culture by maximizing their human capital resources. A good way to naturally include leaders is to learn what their top business priorities are and then link the inclusiveness initiatives to those priorities.

Special Considerations for White Male Leaders

Leaders of legal organizations still tend to be predominately white and male, which creates its own set of special considerations. Approaching the topic of inclusiveness with white men must include a conversation that moves beyond individual programs or policies. It must communicate the core value of including everyone in the organization, as well as how diversity and inclusion will be embedded in the organization, and govern the way business is conducted by every person on a daily basis.

Identifying Thought Leaders and Change Agents

Successful initiatives depend upon the active engagement of influential thought leaders or change agents in the organization who may or may not be among the formal leaders of the organization. Spend time identifying those in the organization who are influential with others and educate them about the need for an inclusiveness initiative.

How Leaders Navigate Change

Learn the five phases people experience when they embrace the kind of change needed to lead on inclusiveness.

Key Questions and Action Items for Leaders

Use Table 9: Leadership Action Items (pp. 69-70) in the Manual to help assess where you stand and potential action steps you can take.

II.   Creating an Inclusiveness Committee – pp. 72-86

An effective Inclusiveness Committee is built strategically, and ideally includes people throughout the organization who will help contribute to the success and sustainability of the Inclusiveness Initiative.

Roles and Responsibilities of the Senior Administrative Staff

The senior administrative staff of an organization must be integrally involved with the design, development, and implementation of the Inclusiveness Initiative. Most organizations will find that an in-depth Inclusiveness Initiative affects all areas of the organization. Therefore, consider

how to most effectively involve all managers in the initiative, especially those parts of the initiative targeted to each manager's department.

Roles and Responsibilities of the Administrative Staff

An Inclusiveness Initiative that focuses only on attorneys is not truly inclusive and may cause deeper divisions between attorneys and staff. In many legal organizations there is much more diversity among those at the direct service or administrative staff level. See Appendix J in the Manual for a comprehensive list of action items for legal professionals.

Forming your Inclusiveness Committee

Your Inclusiveness Committee should have the legitimacy, power, and credibility necessary to lead your inclusiveness initiative. Consult the Manual for several questions you should consider when forming your Inclusiveness Committee

Composition of the Inclusiveness Committee

The Inclusiveness Committee should be comprised of people who can bring many different perspectives and levels of understanding, as well as strengths and skills, to the process and who can spread the word about the initiative to create broad buy-in throughout the organization. Refer to pp. 73-74 in the Manual to review questions which will direct your efforts in forming the Inclusiveness Committee.

First Steps for the Inclusiveness Committee

It is recommended that the Inclusiveness Committee meet several times and establish a firm foundation before attempting to communicate its existence and purpose throughout the organization. Use this time to establish your general goals before "going public."

> **Complete Exercise 4:** Meeting Plans for Initial Meetings of the Inclusiveness Committee (Appendix A).

Involving the Whole Organization through Effective Communication

It is critical that the Committee get input from, and communicate regularly with, other members of the organization (both vertically and horizontally) about the inclusiveness initiative throughout every phase. It is wise to work hard at the outset of your inclusiveness initiative to embed communication about diversity and inclusiveness into all regular communications in the organization.

> **Complete Exercise 5:** Creating an Inclusiveness Communication Plan (Appendix A).

III.   White Male Allies – pp. 87-96

The Inclusiveness Committee should plan to spend time early in the initiative identifying and cultivating potential "allies" and "champions" among the organizations' straight white males, as well as designing a strategy to engage all white men in the organization.

Cultural Norms of Men

It is instructive to understand the cultural norms that often dictate how men operate in the workplace. A research study conducted by Catalyst revealed that many men feel constrained by strong social norms. Running counter to these norms may negatively impact some men.

Therefore, education and training is needed to produce a measurable shift in their attitudes in the workplace and in their behaviors.

Engaging Skeptics

The Inclusiveness Committee must incorporate the views of "skeptics" in its work in order to be successful. If you address underlying skepticism from the outset, you will end up with an initiative that will be more resilient and sustainable over the long term. One method to handle this is to include those who have concerns about an Inclusiveness Initiative so practical issues may be acknowledged and addressed head-on.

Awareness & Training That Involves White Men

In organizations where white men are in the majority and hold most of the positions of influence and power, work diligently to educate them about the impact of affinity bias on every aspect of the organization. Specifically, convey how affinity bias operates to create deep, hidden barriers to success for some groups. If you cannot change attitudes and behaviors, be strategic by making structural changes first.

Cultivating Allies and Champions

Create a strong case statement for diversity and inclusiveness that includes specific, personal costs to straight white men of not becoming a more diverse and inclusive organization. It might even be helpful to have white male "allies" conduct informational sessions with other white men in the organization to air concerns and educate them about the role of unconscious bias.

Concrete Steps for Engaging White Men

Learn about eight concrete steps to help engage white men in an inclusiveness initiative.

IV. Overcoming Apathy – pp. 97-101

Addressing Apathy and Resulting Inertia

The Inclusiveness Committee, as the strategic planners for change, should devote time at the beginning of the initiative to deal with the biggest contributors to apathy: lack of urgency, fear, lack of knowledge, and lack of time.

Avoiding Common Diversity Traps

Several common pitfalls are listed on p. 101 in the Manual to help you avoid setbacks and to ensure sustainability of your inclusiveness initiatives.

Step 2: Creating an External Support System

Introduction: Once you complete Step One and build the necessary internal foundation, Step Two provides guidance on developing the external support system needed to keep the internal foundation stable and strong.

Who can benefit from this chapter: Inclusiveness Committee members, HR and Marketing.

How this chapter can help you: Encourages collaboration between organization and outside entities.

I.   External Advisory Board – p. 103

One key component of an external support system should be the creation of an external advisory board to which the Inclusiveness Committee and leadership report their inclusiveness efforts and progress on a regular basis. This creates an accountability mechanism for the organization. External advisory board members can be representatives from clients, talent pipelines, peers, business leaders, political and civic leaders and academia.

II.   Consultants & Training – pp. 104-107

Consultants can play an important role in your Inclusiveness Initiative. Before hiring a consultant, be sure to have a clear idea of what you want to accomplish, as well as a clear idea of who is the most qualified to help you achieve your goals. Carefully research the consultant before hiring.

Diversity and inclusiveness training is important to the long-term success of an inclusiveness initiative. The ultimate goal of training is to create a more enlightened culture with competent and skilled communicators that will continue long after the training is complete.

The role of a consultant is to assist your organization with certain areas of inclusiveness work. The leadership of the process, however, remains with your organization.

Selecting a consultant requires finding the right fit with your organization's particular needs, style and goals. Consider the qualities, qualifications and experiences your organization will need in a consultant.

> **Complete Exercise 6:** Identifying the Roles and Qualifications
> of a Consultant (Appendix A)

As you continue through the inclusiveness process, work with your consultant to monitor your organization's progress. Solicit your consultant's input about how your organization is progressing and what s/he sees as your organization's strengths and weaknesses. Continue to work with the consultant to adjust for changing needs. Also, survey your members about their experience with the consultant and report such experiences to the consultant.

III.   Bar Associations & Other Legal Organizations – p. 108

Refer to the Manual for a list of Bar Associations and Other Legal Organizations that directly deal with diversity and inclusiveness in the legal profession.

Step 3: Integrating Inclusiveness Within Your Organization

Introduction: This chapter focuses on making inclusiveness an integral part of your organization, and not a standalone initiative.

Who can benefit from this chapter: Inclusiveness Committee, HR, and those who hire and supervise others.

How this chapter can help you: Becoming aware of internal biases can help you address them and work towards creating a more inclusive environment.

    I.   Examining Your Organizational Culture – pp. 110-122

What is Your Organizational Culture

The chapter provides tools for examining your organizational culture. An organizational culture is the expression of an organization's collective attitudes, values, beliefs and behaviors. These values, or "rules of the road," are usually unwritten and may not even be consciously recognized by the organization or its members. These "rules" are often not visible or intuitive to diverse persons.

Three Types of Organizational Culture in Relation to Diversity and Inclusiveness

To provide a framework for understanding your organizational culture, the chapter first explains the three core levels of culture: surface level (the physical environment, symbols, language and visible products of the organization); espoused values (values of leadership relating to goals and strategy); and, basic assumptions (the integral beliefs, perceptions and thoughts that are both conscious and unconscious).

Assimilation – Discrimination-and-Fairness Culture

This type of organizational culture is based on the assumption that people are basically all the same and awareness of differences should be minimized. Generally the goal of diversity or inclusiveness in organizations with this type of culture is to recruit diverse attorneys and staff and to ensure that everyone is treated the same way.

Differentiation – Access-and-Legitimacy Culture

This type of culture moves closer toward inclusiveness. The underlying premise of this type is that the organization values the differences of people with various backgrounds and perspectives.

Integration – Connecting Diversity to Work Perspectives

In this type of culture, diverse people are treated with respect, their individual skills and talents are valued and their perspectives are incorporated into the fabric of the organization.

In the Manual, Table 10, p. 113 illustrates the relationship between the core levels of organizational culture and their expressions within the types of organizational culture that relate to diversity and inclusiveness.

Components of an Inclusive Organizational Culture

This Chapter covers eight common components of the most successful inclusive cultures identified by researchers. This section then provides specific ideas for changing organizational

culture by focusing on the three core levels of organization culture (surface level; espoused values; basic assumptions). The goal is to achieve a work environment where everyone can bring their very best ideas and work to the table and the organization is changed for the better.

Unpacking Your Organization's Cultural Norms

The effort to change the cultural norms begins with identifying the unwritten rules. Until the unwritten rules are made transparent, hidden barriers will continue to push diverse attorneys to the sidelines. It is beneficial to assess the deepest cultural norms and make a list of the unwritten rules. Then the impact of those norms can be assessed.

Evolving the Organization's Cultural Norms

Any culture shift will cause dissonance. Education and training are needed. One way to begin this process is for the Inclusiveness Committee to view a short film called "A Peacock in the Land of Penguins: A Story about Courage in Creating a Land of Opportunity."

II.   Building the Case for Inclusiveness – pp. 123-129

What is a Case Statement?

Building the case for inclusiveness is the process of articulating the why that makes the most sense for your organization. A critical component in any Inclusiveness Initiative is a statement setting out why inclusiveness is important to the organization. The statement should include: your definition of inclusiveness, the connection between the organization's business priorities and inclusiveness, the anticipated benefits, and a description of the plan of action.

Who Should Create the Case Statement?

Since a case statement is integral to a successful Inclusiveness Initiative, it is important people in your organization embrace it as a guiding principle, so getting input from many people is beneficial. Create a subcommittee to initiate the drafting process.

Making Connections to the Organization's Business Strategy

To be successful, an Inclusiveness Initiative must be tied to your overall business priorities and linked to the organization's strategic plan. Work closely with management and leadership to identify the top goals or business imperatives and tie diversity and inclusiveness to as many as possible. Strive for a case statement tied directly to business imperatives that cannot be set aside.

> **Complete Exercise 7:** Identifying Your Organizations Business Strategies and Priorities and Trying Those to Diversity and Inclusiveness (Appendix A)

Differentiating Between Diversity and Inclusion in the Case Statement

Begin with a clear understanding of the differences between "diversity" and "inclusiveness." This distinction is important because even if your organization has a lot of diversity it does not mean your organization is inclusive.

> **Complete Exercise 8:** Defining Inclusiveness and Diversity for Your Organization (Appendix A)

Visualizing Greater Inclusiveness

An important exercise for the Inclusiveness Committee is to create a vision statement –
Creating a common vision for what your organization will look like when it is fully inclusive, and what things might change as a result, is an important exercise for the Inclusiveness Committee. A vision statement might also be valuable.

> **Complete Exercise 9:** Visualizing Greater Inclusiveness
> (Appendix A)

Costs of Not Being Inclusive

The considerable costs associated with not engaging in an Inclusiveness Initiative should be considered. These costs include both hard costs and soft costs.

> **Complete Exercise 10:** Costs of Not Being Inclusive
> (Appendix A)

Value of Writing a Case Statement

A case statement is an important element of every organization's inclusiveness initiative. Incorporating all of the elements discussed in Step 3, the statement can serve as a clear reminder of why you are engaging in this work and remind people to provide feedback on the initiative.

> **Complete Exercise 11:** Writing Your Case Statement
> (Appendix A)

III.   Gathering and Analyzing Information – pp. 130-138

A core part of any successful initiative is to gather and effectively analyze the appropriate data and information. Step 3 provides a framework for your Inclusiveness Committee to compile the needed information, recognizing that both objective (e.g., demographics, promotion data, policies) and subjective (i.e., perceptions of the members of the organization) are needed. The Manual provides analysis on the efficacies and utility of three tools for data gathering – interviews, focus groups and surveys – with tips on effectively analyzing the data collected.

Developing Your Scope and Strategy

As you go through the tasks in this phase of your Inclusiveness Initiative, you will need to decide what facts to gather in three areas: your organization, the legal community and the profession as a whole. This data will help you identify what you are doing well and what areas need improvement; it will also allow you to learn from others. You can these use this data to create benchmarks to measure progress.

> **Complete Exercise 12:** Select Facts to Collect
> About Your Organization (Appendix A)

Information-Gathering Tools Regarding Perspectives

The Manual focuses on three tools for collecting information about the thoughts and beliefs different groups have about your organization: surveys, interviews and focus groups. Before gathering any data, however, it is important to develop a comprehensive communication plan. The communication plan should address: the rationale for the information-gathering; how the information will be gathered; who will be involved; how information will be kept confidential; the support of leadership; how the results will be shared; and a commitment to address weaknesses uncovered in the process. Not doing some of these can be a detriment to your efforts.

Analyzing Information

Effective analysis of the data will allow you to discern whether a particular concern is a workplace issue or an inclusiveness concern.

IV.   Removing Structural Barriers – pp. 139-170

After you have gathered and analyzed the necessary data, it is important to differentiate between structural barriers to inclusiveness and individual barriers to inclusiveness. Structural barriers cannot be mitigated or removed through training or dialogues; they can only be addressed structurally. This section helps recognize direct and indirect structures impeding inclusion.

Analyzing the Structure of Your Organization

It is important to analyze the structure of the organization itself, including all policies and procedures, to find places where barriers exist and where inclusiveness can be embedded. Legal organizations were designed decades ago to accommodate the needs of the dominant group – white men – and many structural components remain that act as hidden barriers to success for diverse attorneys (and staff). Retrofitting the structure of legal organizations and creating a universal design where everyone can operate without hindrance is the goal.

It is essential to analyze the representation of diverse groups in the organizations. Ask, are certain diverse groups under-represented or over-represented in certain departments or practice groups? Also ask, who is missing, and why are they missing. Many gaps and blind spots can be revealed in the process. Representation at the leadership and management level is an important area to examine in this process.

Complete Exercise 13: Assessing Representation
in the Organization (Appendix A)

Analyzing Organizational Policies, Procedures and Practices

Given the overwhelming research that demonstrates that diverse attorneys are not receiving equal opportunities, organizations should make a very careful audit with respect to all of its diverse attorneys. This will require examination of all policies, practices and procedures, both written and unwritten. Here, implementing "best practices" coincides with inclusiveness and where the success of any initiative will gain real traction. But success is achieved only when done in conjunction with removing the hidden barriers in the organization.

CLI's Inclusiveness Network designed a comprehensive list of action items, which major departments in legal organizations can use to embed diversity and inclusiveness. This list, the "Architecture of Inclusiveness," seeks to embed inclusiveness throughout various departments. Cross-departmental collaboration in these efforts will ensure the goals are truly integrated throughout the organization.

As you implement your Initiative, you can simultaneously lay the groundwork for better recruiting practices to effectively hire and retain diverse attorneys. Start by analyzing the process and numbers that underlie recruiting. Consider the extent to which your organization wants to set concrete numeric goals regarding the composition of attorneys and staff. Sometimes establishing deliberate goals can propel greater action towards the goal.

Revision of recruitment practices should include examination of the traditional job qualifications, such as law school attended, grades, law review participation. Studies consistently conclude

that these hiring criteria are not strong predictors of success. Additionally, focusing on traditional qualifications hinders, rather than advances, diversity and inclusiveness efforts. By turning the focus to factors which are correlated with success, you begin to incorporate inclusiveness into your recruiting.

Develop job descriptions and dissemination strategies with an eye toward reaching a broader, more diverse audience. Hidden barriers can also exist in the application and resume review process; consider utilizing a diverse group of individuals to review and then interview candidates. The Manual provides in-depth suggestions for improving your recruiting and hiring process.

The Manual also provides 12 strategies for retaining and advancing diverse attorneys and staff, which can result in better experiences for everyone, as well as increased productivity and effectiveness for the organization (pp. 151 – 170).

V. Inclusiveness Training and Diversity Dialogues – pp. 171-186
Once you understand and address structural barriers, you have to think through processes for raising individual awareness levels, knowledge and behavioral competencies. Inclusiveness training and diversity dialogues are tools that can assist you. The process must begin with awareness – getting people to understand they have blind spots. Knowledge is the next step – training on unconscious bias, the difference between diversity and inclusiveness, hidden barriers to success and how to create an inclusive and multicultural organization.

What is Diversity and Inclusiveness Training?
Diversity and inclusiveness training is a critical element of any Inclusiveness Initiative and legal organizations should require some training of all members. Behavioral change is a key element – one which is impossible without greater awareness. Training is a process by which individuals, work groups and whole organizations develop an enhanced awareness and understanding of cultural dynamics that affect individuals, workplaces and whole societies. Training can help participants learn more about historical inequities, explore how culture interacts with work, and help organizations be open to fuller participation. Studies show training programs are more effective if the case for inclusiveness is made to attorneys and staff first.

Relationship to the Inclusiveness Action Plan
A successful initiative requires that individuals develop a greater awareness and understanding of cultural and power dynamics, and that organizations transform the workplace to better respond to the assets and needs of members of underrepresented groups. The first is accomplished by training, the second by creating and implementing an inclusiveness action plan.

Who Should Participate in Training Programs
Consideration should be given as to who should participate in training programs, and when and how. Some options include: training leadership, training for attorneys only, training for staff only, or mixing the groups. Each approach has advantages and disadvantages to consider.

When to Do Diversity and Inclusiveness Training
Consider whether to undertake training before engaging in the assessment process, or whether training should take place after the formation of the inclusiveness action plan. Again, there are advantages and disadvantages to each approach.

Approaches to Diversity and Inclusiveness Training

There is no single approach to diversity and inclusiveness training. Many trainers integrate multiple approaches. Most education and training on inclusiveness focuses on the following four categories: Intercultural/Valuing Differences; Anti-Racism; Prejudice Reduction; and Skills Training.

Diversity & Inclusiveness Training Needs Assessment

To develop an effective education program it is important to begin by establishing the goals and needs at the outset.

Selecting a Training Approach That is Right for Your Organization

> **Complete Exercise 14:** Selecting a Training Approach
> that is Right for Your Organizations

It is important to set and communicate clear training expectations. There are a number of basic things you can do to set expectations, including clarifying objectives and providing agendas and materials in advance.

Expect changes in the dynamics of the organization as it goes through an inclusiveness training program and through the initiative. This is normal. A well-known organization change theory dictates that when organizations go through shifts in culture, it is common for them to undergo four basic stages of group dynamics: Forming; Storming; Norming; and Performing.

Consider the training format and whether it should be intermittent training, extended, or ongoing training. No matter the approach selected, the training must be integrated into the organization. It requires persistent, continuous effort.

Depending on the resources your organization has, you can spend a lot of money hiring trainers or minimize expenses by handling the process in house. Budgets should not stop you from providing continued education, but may limit your options. Consider peer-training options such as diversity dialogue leadership groups and train-the-trainer programs.

> **Complete Exercise 15:** Interactive Case Scenarios
> (Appendix A)

Because attorneys are trained to automatically debate issues, differentiate between useful productive dialogue and debate. Table 11, p. 186 in the Manual frames the discussions from the outset so that the group has a dialogue, not a debate.

VI.   Ten Ways to Fight Diversity Fatigue – pp. 187-190

The path to transforming the legal profession to one of inclusiveness will involve many obstacles, and those who undertake this work need reminders that it is a marathon, not a sprint. As a result, there is always the risk of diversity fatigue. Consult the Manual for 10 ways to combat fatigue.

Step 4: Integrating Inclusiveness into External Relationships & Communication

Introduction: This chapter encourages you to examine how your organization is represented on your website and in materials to clients and candidates.

Who can benefit from this chapter: Organizations that market their services and those directly responsible for promotional and marketing functions.

How this chapter can help you: Reminds you to stay current on your multimedia presence and to recognize the impact outdated terms, "canned" shots and vague commitments to diversity and inclusiveness may have on external perceptions of your organization.

> **I.   Web Presence** – pp. 192-193

In today's age of electronic communication, your website is your 24/7 face to the world. You are constantly communicating with people through this medium. Your website has to be consistent with your commitment to and actions toward diversity and inclusiveness if your organization wants to move forward. Once you become fluent in inclusiveness, it is very easy to distinguish legal organizations that are giving lip service to diversity (and even inclusiveness) on their websites and those truly "walking the talk." The difference is in the details.

> **II.   Client Communication and Marketing** – p. 194

Pay attention to how inclusiveness is communicated to clients through formal and informal channels. Law firms are now designing marketing strategies to leverage diversity. In an effort to proactively use diversity to develop relationships with clients, firms send letters to general counsel urging them to consider taking diversity into account on a more systematic basis when retaining outside counsel.

> **III.   Recruiting/Hiring Communication and Marketing** – pp. 195-196

Authenticity is key in your communication to clients and candidates, and it is important to include detailed descriptions of structural, cultural and behavioral changes being implemented and how they are succeeding.

> **IV.   Strategic Community Involvement** – p. 197

Think through all of the ways in which your organization is connected to the communities in which you live, work and play. Consider your pro bono activities, charitable giving efforts, and community service initiatives, and ensure that you find a way to integrate diversity and inclusion into those aspects of your organization.

Step 5: Implementation

Introduction: This chapter brings the previous four steps together to take your efforts from commitment and deliberation to action. You will learn more about an Inclusiveness Action Plan, enforcing accountability and measuring success.

Who can benefit from this chapter: Anyone ready to take action, whether you are in the beginning stages or you have an established inclusiveness committee, but want to continue to move forward.

How this chapter can help you: The first part discusses your Inclusiveness Action Plan – the elements of a good one, creating/writing one and reviewing/revising the plan. But having a plan is not enough. The second part focuses on executing your plan with accountability in place. Metrics are the focus for the final section of this Step.

I.   Creating an Inclusiveness Action Plan – pp. 199-203

The chapter begins with tools for creating a plan. An Inclusiveness Action Plan outlines your priorities and steps for becoming more inclusive. The action plan is grounded in data so priorities identified in your action plan are based on information you collected in the information-gathering phase. A sample inclusiveness action plan is available in Appendix E.

Creating the Inclusiveness Action Plan

Avoid taking on too many issues at once. Limit the plan to two to four areas on which to focus your energies.

> **Complete Exercise 16:** Prioritizing Areas of Concern
> (Appendix A)

> **Complete Exercise 17:** Creating a Framework for You
> Inclusiveness Action Plan (Appendix A)

> **Complete Exercise 18:** Developing an Inclusiveness Action
> Plan (Appendix A)

Writing the Inclusiveness Action Plan

Consider splitting up the writing among different people, including members of the Inclusiveness Committee, senior management, and people whose work relates or overlaps with diversity and inclusiveness – such as HR, business development, etc. .

Assess your plan for feasibility, continuity, consistency with your organization's overall goals, duplicative efforts and gaps in the plan. Make sure you get formal approval once your plan is complete, generally from your organization's leader(s).

II.   Enforcing Accountability – p. 204

You must create accountability systems and enforce them to effectively execute a plan. These systems will highlight the consequences if the plan isn't executed.

III. **Measuring Success** – pp. 205-214

Metrics help identify hidden barriers, track progress in eliminating those barriers and communicate the value-added D/I efforts and their relation to the organization's goals.

How to Develop Metrics
Identify and articulate your case statement and then focus on the hidden barriers which cause higher attrition rates for female and diverse attorneys. Once this is accomplished, there are various types of metrics that can be utilized, depending on the particular goal. But bear in mind there are differences in diversity metrics and inclusiveness metrics; you may have several possibly overlapping metrics you use to measure your success. Consult the Manual for Table 12, p. 206 comparing diversity and inclusiveness metrics in multiple areas.

Scorecards – Measuring Success Using Demographic data
Scorecards can be used to track demographics in many areas where hidden barriers operate. But don't just focus on the headcount. You can also track client contact, leadership positions, and even work assignments.

> **Complete Exercise 19:** Benchmarking Data Regarding Hiring,
> Advancement and Leadership (Appendix A)

Evaluating Progress with the Inclusiveness Action Plan
This step will put into place organization-wide accountability for implementing the inclusiveness action plan.

> **Complete Exercise 20:** A Plan to Evaluate Outcomes
> (Appendix A)

Measuring Progress Using Attitudinal Data
The goal is to uncover the hidden issues that often do more to define the culture of a legal organization than written policies. Benchmark data yearly to measure progress in different areas.

Evaluating Progress with the AIM for Excellence Model
The AIM Model can be used to reveal hidden barriers that limit female and diverse attorney advancement and measure overall organizational progress in becoming more inclusive.

Tracking Progress toward Completing Action Plan Objectives
Every organization should develop its own process to keep people focused on accomplishing the objectives and tasks outlined in the inclusiveness action plan. You should regularly check your progress and allow opportunities to make necessary changes.

> **Complete Exercise 21:** Tracing Progress Toward Completing
> Action Plan Objectives (Appendix A)

Ongoing Commitment to Inclusiveness
This includes regular communication to people in your organization, building a culture that embraces constructive feedback, and reassessing the plan and your initiatives so that necessary adjustments may be made.

The Evolving Role of the Inclusiveness Committee and Its Work

As the work will likely never end, be prepared to cycle back through each of the steps in a continuous loop.

Staying the Course

Remain vigilant in sustaining a commitment to inclusiveness. Be sure your action plan remains vibrant and relevant over time.

A Commitment at Every Level of the Organization

It is very important to develop mechanisms to guarantee a commitment to inclusiveness remains even when leadership changes occur. If you follow the Manual's steps, you will also increase the likelihood that your organization will institutionalize a lasting commitment to inclusiveness at every level.

Celebrate Your Accomplishments

Find an appropriate way to celebrate everyone's work and the organization's willingness to become more inclusive.

Step 6: Collective Efforts and Success: The Inclusiveness Network

Author Ken Blanchard once remarked, "None of us is as smart as all of us." Your organization is unique, and it will advance diversity and inclusiveness efforts in its own way. However, igniting and sustaining that forward movement is easier when you are connected with other organizations that are also on this journey.

In this chapter, CLI provides case studies form legal organization that are implanting the steps of the Manual through CLI's Inclusiveness Network. They represent a spectrum of legal organization from corporate law departments to large and small law firms to government law offices. Read about their experiences and shorten your organization's learning curve as you begin the journey to make genuine and measurable progress in diversity by creating cultures of inclusion.

These organizations have generously shared sample documents such as surveys, policies, and more.

Inclusiveness in Law Schools

Introduction: This final chapter is intended for those seeking guidance on how to embed inclusiveness in law schools. Some may wonder why this section is included in the Manual. Since law schools are feeders for legal employers, one of their goals should be to train culturally competent lawyers who are prepared to serve and satisfy a wide diversity of clients.

Each section of this chapter will serve as a guide post to help move you and your organizations forward to the creation of a more inclusive environment.

Who can benefit from this Chapter of the CLI Manual: Anyone assigned to help embed inclusiveness at all levels of their law school environment; anyone interested in identifying helpful tools to accomplish those goals; and anyone committed to diversity and inclusiveness in the workplace will benefit from this chapter.

How can this Chapter help you: The first part of the chapter addresses the importance of inclusive excellence in law schools (pp. 362-363). The second part references those aspects of the Manual relevant to inclusiveness work in law schools (pp. 363-366). In the third part of the chapter, you will find lists of Diversity and Inclusiveness Best Practices in law schools, which are broken out according to various departments, positions, and other distinct law school functions (pp. 366-371). Finally, to help you avoid re-inventing the wheel, you will find a variety of resources, including a list of law schools that have established diversity and inclusiveness infra-structures, e.g. offices of diversity services, Directors/Assistant Deans of Diversity or Multicultural Affairs, along with various diversity initiatives and action plans (pp. 371-372).

Law schools are at different stages in their journeys toward greater diversity and inclusiveness. Law school professionals are encouraged to review carefully each guide post in this chapter and determine which information will be most useful and relevant in their particular law school environments.