



**Corporate In-House ToolKit:
Advancing Diversity with Law Firms**

*Drafted by the
Committee to Enhance Diversity in the Profession, Retention & Sponsorship Task Force
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Created by the Retention and Sponsorship Taskforce of the New York City Bar Association's Enhance Diversity in the Profession Committee, this toolkit provides better practices for in-house legal departments to encourage and support their outside legal service providers to enhance their diversity and inclusion (D&I) efforts and metrics. This toolkit offers tactical steps that legal departments of all sizes can take.

- 1) Lead by Example – Take Actions to Demonstrate and Communicate Commitment to D&I
 - a. Pledge or publicly commit to advancing D&I. Examples include becoming a signatory to the New York City Bar Association's Statement of Diversity Principles and the ABA Resolution 113. See <http://www.nycbar.org/serving-the-community/diversity-and-inclusion/statement-of-diversity-principles> and <https://bol.bna.com/wp-content/uploads/2016/09/Resolution-113-Letter.pdf>
 - b. Partner with umbrella organizations dedicated to enhancing D&I in the profession. See <http://www.lclldnet.org/resources/organizational-links/>
 - c. Identify opportunities to retain minority and women owned law firms. The National Association of Minority & Women Owned Law Firms is a great resource that publishes guides and welcomes in-house counsel to its events. See http://c.ymcdn.com/sites/www.namwolf.org/resource/resmgr/news_feed/Corporate_Counsel_Guide_-_J.pdf
 - d. Develop and participate in programs that keep your legal team abreast of better practices for hiring, recruiting and advancing diverse talent (i.e. lead by example)
 - i. Attend and sponsor D&I training programs and participate in forums for sharing better practices among in-house lawyers
 - ii. Train staff regularly regarding implicit bias
 - iii. Partner with Corporate Diversity & Inclusion Offices to develop practices
 - iv. Partner with Supplier Diversity/Procurement to ensure that all those who provide legal services, not just law firms, are diverse
 - v. See Leadership Council on Legal Diversity "What's Working" <http://www.lclldnet.org/whats-working/>
- 2) Implement/Update Policies and Procedures to Manage Outside Counsel Consistent with Commitment to D&I

- a. Have a team of legal department associates who actively manage outside counsel and monitor their diversity & inclusion efforts
- b. Ensure that your outside counsel policy and internal procedures regarding the retention of legal service providers are consistent with your commitment to D&I
- c. Send statement to your outside counsels' managing partners and/or relationship partners and copy D&I professionals. Consider requesting that they respond in writing within a certain timeframe 1) committing to partnering with you on D&I initiatives, 2) sharing their own D&I mission and efforts and 3) ensuring that all legal matters be staffed with a broad range of diverse talent, reflecting the communities in which you conduct business
- d. Develop metrics to hold law firms accountable (see "Implement Accountability Measures" section below for additional details)

3) Partner with Law Firms in Their D&I Efforts

- a. Develop or identify opportunities with law firms to mentor their diverse talent
 - i. Share feedback with relationship partner/managing partner when pleased with performance and give repeat business (i.e. engage in a matter or ask for repeat staffing)
 - ii. Host networking events or substantive trainings for diverse junior associates at law firms that enable them to meet and learn from in-house counsel
 - iii. Direct business to partners, counsel and senior associates, as appropriate
 - iv. Work with umbrella organizations to mentor diverse talent (e.g. Lawyers for the Empowerment and the Advancement of Diversity, Leadership Council on Legal Diversity)
- b. Look for opportunities to broaden D&I efforts to other legal service providers
 - i. Look for opportunities to build relationships with diverse service providers that will support them
 - ii. Identify common interests to facilitate building/enhancing relationships (e.g. Corporate Counsel Women of Color, Minority Corporate Counsel Association, Leadership Council on Legal Diversity)
- c. Partner with law firms to develop the future talent pipeline
 - i. Law-specific organizations that focus on increasing the pipeline include Legal Outreach, Practicing Attorneys for Law Students and Sponsors for Educational Opportunity
 - ii. Consider working with local law schools, colleges and high schools to provide additional opportunities to increase the pipeline of students entering the legal profession

4) Implement Accountability Measures

In-house counsel should partner with their outside legal service providers to implement metrics to assess the diversity of the teams working on their matters. Use metrics as a starting point to initiate regular conversations that will encourage law firms to meaningfully support the development and promotion of their diverse talent

- a. Develop metrics
 - As recommended by the Minority Corporate Counsel Association in their Metrics for Success, Measurement in Diversity Initiatives (Burgundy Handbook)

“Diversity metrics” are specific quantitative and qualitative measures of diversity and their impact, which help to translate business strategy into action by measuring the financial and non-financial value of diverse workplace and external environmental performance. They are necessary to: 1) identify the specific challenges facing each law department [or law firm]; 2) track the progress of initiatives that are in place; and 3) isolate differences between demographic groups within the law department on important employment statistics such as retention, voluntary turnover, and/or promotion rates. See <http://www.mcca.com/index.cfm?fuseaction=page.viewpage&pageid=615>

- b. Key development metrics to consider
 - 1. Demographics of law firm, including headcount, hiring, promotion and attrition data
 - 2. Demographics of law firm leadership, including management and compensation committees
 - 3. Demographics of the team staffing your matters, including hours and fees billed, partner credit allocation process
 - 4. Demographics of law firm relationship partner(s) and succession planning
 - 5. Consider including qualitative questions that solicit information about law firms’ professional development, mentoring and sponsorship programs and initiatives aimed at retaining and promoting diverse talent
- c. Logistics of implementing measurement tools
 - i. Consider using ABA 113 survey for consistency in reporting and comparing law firms’ data
 - ii. Partner with D&I professional to solicit information
 - iii. Request metrics through e-billing, etc.
- d. Use the requested diversity metrics as a factor in determining which law firms are retained or kept as outside counsel
- e. Consider implementing incentives for law firms to increase their diversity. See <http://www.law.com/sites/almstaff/2017/07/17/client-call-for-greater-diversity-at-fever-pitch/?slreturn=20170731153341>
- f. Provide feedback to law firms
 - i. Have follow-up conversations with law firms’ relationship partners and managing partners to underscore your focus and commitment to D&I
 - ii. Share results regarding law firm’s relative placement based on D&I metrics. Consider developing a scorecard
 - iii. If business is given (or withheld) partially based on diversity, convey this to relevant law firms
 - iv. Host an event, conference or roundtable for law firms and share better practices for law firms, as well as present awards
- g. Ensure that diverse law firm associates are working on your matters