



Exercise: Action Plan and Accountability

- I. Please list one takeaway/tactic from this workshop that you will put into practice to engage courage in order to build belonging:

- a. List each mini-step you need to take to implement your selected tactic.
- b. Assign deadline dates for each step, and put those deadlines into your phone/calendar now.
- c. List also any support you could use to accomplish each of the mini-steps.

Step	Deadline	Support I could use

II. **Accountability Partnership**

Please share your Action Plan with someone else in the room so you can support one another, brainstorm together, and hold one another accountable.

My accountability partner is: _____

Contact Info _____ Check-In Date/Time: _____



It Is in the Day-to-Day

Courageous Conversations in Contentious Times

By Kori S. Carew

As I prepared for church on June 12, 2016, I learned that someone had entered an Orlando nightclub the previous night and began killing people simply because they were gay—49 deaths in all, and many more critically injured.

That evening, I struggled to determine my role in my community and what I could do. I found myself frustrated. How does one begin to make a difference when such things happen? I realized that I could not go to work the next day and be silent.

The Leadership Call

The Tuesday after the Pulse shooting, I went to work—a place that prides itself on being nice and non-confrontational, where people don't get into "political" debates—and issued a call to action to fellow administrative leaders. I spoke about the cost of silence. LGBT employees have experiences that many of us cannot relate to, and this tragedy brought some of those experiences to light. As leaders, we have responsibilities to those we lead, which include acknowledging their humanity. I asked everyone to speak to their teams and emphasize that they recognize that external events impact individuals. That week, we also hosted a program that started with an address from our firm chair in which we honored the victims of the shooting, discussed how to engage in difficult conversations, and provided visibility to the experiences of LGBT employees. Our intranet also featured a letter from the chair to the whole firm. It was with honor and pride that I saw our leadership stand firm in our values of affirming everyone.

Who Will Speak for Me?

On July 5, Alton Sterling was shot by a police officer in Baton Rouge. The next day, Philando Castile was shot

by police officers in Minneapolis during a traffic stop. On July 7, five police officers were shot during peaceful demonstrations in Dallas. It was humbling to have other members of leadership at my firm reach out to ask how best to talk to their teams and to acknowledge that people were affected by the events. Our goal in responding to the Pulse shooting was to continue a commitment that we started in the prior few years—encouraging people to engage in difficult conversations rather than ignoring the reality of their colleagues under the guise of workplace sensibility. Central to that goal are leaders empowered to address difficult issues, employees able to have a respectful dialogue, and work cultures that create safe spaces for individuals affected intimately by a variety of issues and events.

Politics in the Workplace/Politics of Inclusion

The reflexive tendency of our work environment—lawyers and rule-followers that we are—is to be wary of anything "political" coming into the workplace. But many of these issues cannot simply be categorized as political. These national tragedies and ongoing divisive debates affect the lives of real people with real stories who do not shed their beings and consciousness when they walk through the doors of our buildings.

The language of inclusion focuses on creating spaces where people can come to work as their whole selves. We have long recognized that workplaces can stifle perceived disfavored traits and aspects of a person's identity. We know that generations of women have been taught that they must "act like men" to succeed. But our talent has pushed back, seeking more from the places where they spend so much of their time. This is where the conundrum arises—when an organization is committed to diversity and inclusion but is silent on the many incidents and discussions that affect diversity.

The CEO Action Gets It Right

Amidst the calls for increased diversity from corporate legal departments, CEOs and executives have been making important moves to advance diversity and inclusion. More than 175 CEOs and executives have signed the "CEO Action on Diversity & Inclusion," which "aims to rally the business community to advance diversity and



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inclusion within the workplace by working collectively across organizations and sectors.” The CEO Action has three pillars: (1) commitment to creating safe and trusting workplaces where difficult and courageous discussions on diversity and inclusion can take place; (2) implementing implicit bias education; and (3) sharing best practices and failures. Every organization committed to improving diversity should already be doing implicit bias education—more than just once a year as a standalone program—and sharing best practices and failures is a beneficial move for everybody. But the first commitment is the one that I believe will have the biggest impact.

Part of why we struggle with having meaningful dialogue on race, for example, is because we have been told not to have the conversation at all. As a result, we don’t learn to become comfortable with the discomfort that these conversations can cause. It takes courage to admit that one’s perception does not match the reality of others or that one’s experiences are shaped by privilege. It takes courage to speak up against what is popular. It takes courage to take a position in these times when internet anonymity has caused a surge in shaming and attacking. The instinct is to shy away from allowing any of this to invade the workspace—but it does anyway. The CEO Action encourages us to engage.

Meaningful, honest, and truthful dialogue on diversity and inclusion issues leads to increased awareness. Between the implicit bias sessions, employees can find a deeper understanding in safe but difficult conversations. It is in these dialogues that we practice “both/and,” “yes/and,” and exploring that which goes beyond our own experiences. Offering workplace opportunities for education and awareness equips people to have those discussions in their homes and communities, making a difference outside the law firm as well.

It Is in the Day-to-Day

It is in our daily interactions that we will most frequently be tested. When someone makes a sexist joke and we pass on the opportunity to say with grace and kindness why the joke isn’t funny. When we see someone being railroaded on the job but we say nothing because we don’t want to jeopardize our chances of promotion. When

we’re in a leadership meeting and everyone avoids a controversial subject that warrants a discussion, and we stay silent. It may be the unaddressed double standard facing a female associate, or the hiring committee member’s commentary that perhaps the firm is just not hiring the right minority candidates because they don’t seem to be succeeding (but similar concerns are not raised for departures of other groups such as white women). The opportunities to address implicit bias or to have courageous conversations on race and other diversity will come in many forms, and addressing large issues will require practicing addressing the day-to-day issues.

Choosing to speak and address our organizations after national incidents of hate takes courage, and courage takes practice. Inclusion requires that we speak up on issues that affect those in our organization and conflict with our stated values and commitment to diversity, whether that means speaking out against the white-supremacist rallies in Charlottesville, Virginia, the anti-Muslim hate crime in Olathe, Kansas, or the ongoing violence perpetrated against transgender women. Silence in the face of tragedy is deafening and undermines our work to create inclusive environments where diversity thrives. 



Home / Your Voice / A call to deal with impostor syndrome, a...

YOUR VOICE

A call to deal with impostor syndrome, a hidden source of attorney distress

BY NEHA SAMPAT

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It's my third time reading Joanna Litt's brave piece

(<https://www.law.com/americanlawyer/2018/11/12/big-law-killed-my-husband-an-open-letter-from-a-sidley-partners-widow/>) in the *American Lawyer* about the death by suicide of her beloved husband and accomplished lawyer Gabe MacConaill, and I'm still stumbling through it in tears. As she describes the pressures Gabe experienced as an attorney, I lose my breath because I remember from my time practicing law experiencing a similar pressure, similar stress and similar feelings of not measuring up in spite of tremendous effort and ability. Many of the lawyers I know and a number with whom I work describe to me a similar misery stemming not from the substance of the work but from the lifestyle, structure and culture of the profession and the unreasonable standards they nurture.



Litt writes, “Though it’s only the beginning stages of trying to figure out why this happened, I came across a concept, maladaptive perfectionism, that combines unrealistic standards of achievement with hypercriticism of failing to meet them.” She goes on to describe how this manifested for her husband: “He said he felt like a phony who had everyone fooled about his abilities as a lawyer and thought after this case was over, he was going to be fired—despite having won honors for his work.”

Does this sound familiar?

Yes, that’s right, this is a textbook description of impostor syndrome, the feeling you are not cut out for the work you are doing or want to be doing, often in spite of evidence to the contrary, combined with a fear of being discovered as a fraud.

Neha Sampat

I feel so frustrated and upset reading this because, in spite of its rampancy in the legal profession and its destructive potential, impostor syndrome remains relatively unaddressed in the profession. In my work with lawyers and law firms, I see a pervasive disconnect: Individual lawyers (including some senior in the profession) describe to me their impostor syndrome and how it negatively impacts them and their enjoyment of their work and lives. At the same time, many law firms as organizations deny that their lawyers struggle with this issue, definitively stating, “Look, we don’t have that problem!”

Data tells a different story: According to a 2011 article (<https://www.tci-thaijo.org/index.php/IJBS/article/view/521/pdf>) in the *International Journal of Behavioral Science*, an estimated 70 percent of the population will experience at least one episode of impostor syndrome in their lifetimes, and there are certain aspects of lawyering and legal training that exacerbate the problem among lawyers. The workshops and webinars I offer lawyers on busting impostor syndrome and building evidence-based confidence are over-subscribed by individuals courageously able to acknowledge their impostor syndrome and asking for some relief. So, bad news, law firms, you do have this problem.

But the good news is that for many, and with the proper structural support, impostor syndrome is very addressable. Additionally, although there is still much pushback in the profession, some law firms and legal departments are starting to acknowledge it as a problem they have to address.

To best address it, firms and legal departments should take a comprehensive approach to impostor syndrome (and other wellness issues). That means, in part, empowering individual lawyers to identify and address impostor syndrome within themselves and others through workshops, webinars, courses and coaching (as I've seen some law firms do at the new associate and mid-career levels). It means, in equal part, training senior leaders, mentors and practice group heads on what impostor syndrome is; why they should care about it; how to identify common signs and symptoms of it in their mentees, peers and teams; how to empower their attorneys to address it, and how to create a culture in the firm or department that reduces instead of feeds it.

To that end, law firms and legal departments in which senior attorneys open up to junior attorneys about their own self-doubt neutralize the stigma surrounding impostor syndrome, creating a culture of connection and compassion in which individual attorneys feel safe sharing their struggles and seeking support in surmounting these struggles. They also normalize it, sending the message that the syndrome and success are not mutually exclusive: "Well, if [superstar lawyer] has impostor syndrome, then maybe my impostor syndrome doesn't mean I am a failure because [superstar lawyer] certainly isn't a failure!"

Additionally, legal departments and firms should provide attorneys with a more balanced view of their skillset; better value their unique perspectives; and regularly recognize their ability to grow, learn and improve. This can be tough, as we are trained to focus more on failure than we do on success. Athlete and author Christopher Bergland wrote in a 2017 *Psychology Today* article (<https://www.psychologytoday.com/us/blog/the-athletes-way/201701/self-compassion-growth-mindset-and-the-benefits-failure>), citing Carol Dweck's seminal work, that we operate from a fixed mindset, viewing failure as defining us instead of viewing it as a temporary situation that can be used as a stepping stone to future success. This mindset pervades the legal profession, contributing to lawyers' unreasonably high expectations of themselves (and others) and to the suffocating pressure they often experience (and perpetuate).

Shifting that mindset and giving fair dues to attorney strengths can start simply by changing the way (and incidence at which) compliments are given and received. More positive feedback can be given with specificity, pointing out the unique perspectives an attorney brings and the unique strengths they can leverage and grow. That means not only taking the time to provide positive feedback, such as “Great job in the client meeting today,” but going a step further to be specific about the unique strengths and perspectives that led to that great job: “Great job at that client meeting today. You read the client well and discovered some unspoken priorities that will allow us to provide a more comprehensive solution for them. You also communicated our next steps in a way that was clear and thorough.” On the compliment-receiving end, all attorneys have to be trained in how to better internalize positive feedback to build their evidence-based confidence and how to reframe knowledge and skills gaps as welcomed opportunities to learn and grow.

These are just a few of the many approaches, tactics and cultural shifts that can help disrupt and prevent impostor syndrome and the distress it commonly causes. The ABA’s Well-Being Toolkit for Lawyers and Legal Employers

(https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_well-being_toolkit_for_lawyers_legal_employers.pdf) is another great resource to address other aspects of attorney wellness. But none of this matters if we are unwilling to prioritize these issues.

I hope Gabe’s story and the uproar of grief and resonance it is garnering among lawyers is a watershed moment for our profession on attorney wellness as a whole and specifically on the role of impostor syndrome in attorney distress. If not this, then what will it take for maladaptive perfectionism, unrealistic expectations, inhumane working hours, and lack of connection and compassion to be taken seriously as causes of lawyer distress? Or maybe the right question is: What will it take for lawyer distress to matter enough to the profession as a whole?

At the end of the day, the problem isn’t Gabe or the scores of lawyers who, in safe spaces where they are not judged as weak, acknowledge feeling similar anxiety and pressure. The problem is our society and our profession. Why are our standards so unreasonably and inhumanely high when it comes to so many functions of our jobs, and why are our standards so unreasonably and inhumanely low when it comes to attorney wellness?

It's time to recalibrate.

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*(<https://www.americanbar.org/careercenter/career-development-series/silencing-the-voice-of-self-doubt-how-to-build-evidence-based-belief-in-yourself/>) She is the author of *The Beyond Blog* (<http://blog.genlead.co/>) and can be reached directly at neha@genlead.co.*



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Lawyers on the Rise: Three Ways to Recruit Resilience

(Originally published in *Law Practice Today* on August 14, 2017.)

Grit. Fortitude in the face of struggle. Elasticity that allows a person to be stretched to an uncomfortable limit and then bounce back swiftly and completely, often with forward trajectory. We hear a lot about resilience these days, with Sheryl Sandberg and Adam Grant's tome on resilience, *Option B*, an instant best-seller. Yet we struggle to exercise resilience, because it is only in our toughest times that we have the chance to practice it. However, as lawyers, we are in the high stakes business of helping our clients through their toughest times, so we must be in the business of cultivating resilience not just within ourselves, but also within our organizations and profession.

This starts with recognizing and valuing resilience as integral to success and fulfillment in the field of law. Having faced and survived crises in the past, a resilient lawyer has credibility with her client, who presumably is dealing with a terrible setback or significant concern resulting in the need to seek counsel. A resilient lawyer is proactive and constructive in the face of challenges and setbacks and better able to maintain momentum across the uneven landscape of most legal cases. Additionally, a resilient lawyer has greater happiness in her legal practice and a higher wellness quotient, leading to greater productivity and longevity in her line of work. Finally, although the daily work of practicing law often requires a negative outlook, the other roles a successful lawyer often must play – as a leader, rainmaker, and mentor – require a positive outlook, a growth mindset, and resilience.

Sadly, as important as resilience is, it is relatively rare in the legal profession. Even more troubling is the fact that the legal profession is designed to stymie the traits and outlooks that lead to resilience. [Dr. Larry Richard's studies on lawyer resilience](#) gauged the average resilience quotient for lawyers as being in the 30th percentile of the greater public. Dr. Richard observed with greater concern that "90% of the lawyers we test score *below the 50th percentile!*"

How can this be when lawyers are known to be anything if not steel-minded and persistent? For one, from law school into practice, lawyers are taught to be paranoid and skeptical and are, in fact, [rewarded for their pessimism, a trait linked with decreased resilience](#). [A New York Times piece by Douglas Quenqua](#) explores how lawyers are trained to seek out the worst case scenario, which does not bode well for their own mental health. Relatedly, the wellness quotient for lawyers as a group is relatively low, indicating a lowered immunity to the setbacks they may face.

With resilience being as valuable as it is rare in the law, we must explore ways to turn the scarcity into abundance, and that starts with hiring.



Three Ways to Hire Resilient Lawyers

There are a number of ways to try to detect resilience and the associated growth mindset in an applicant at different stages of the application process, but I'd like to suggest three – one focused on the application review stage, and two focused on the interview stage:

1. Look for the journey behind the application materials.

Resilience lives in the candidate's journey, not in the outcomes to which resumes often are limited. In their first-round screening of applications, many employers cursorily glance at a resume, focusing on cumulative GPA, prior roles held, degrees, and pedigree of educational institutions. The goal usually is to narrow the field, so any flaws, gaps, and setbacks evident in the materials often are used to screen out a candidate.

Belinda Macauley, Vice President of Development and Senior Counsel at American Constitution Society looks to build balanced and authentic teams by looking for applicants who admit their challenges. She advises that "running down the resume does not give you that insight."

Recognizing the limits of the traditional resume also means looking beyond the cumulative GPA for the richer story the applicant's transcript tells. Did the applicant recover from a rough law school start to achieve high upper division grades? Is there a steady upward progression in their GPA over time?

For a decade as a law school dean of students, I worked closely with students who struggled academically in their first year of law school. Many of these remarkable students quickly shifted from despair to developing a plan for improvement. I helped them assess their past preparation for what went wrong, but also for what they had done right. Even the student with the most dismal grades had been on the right track in some way, in some class, or with some specific skill. Giving some fair due to what they had done right often provided the boost they needed to pick themselves up, face their situations with courage, and take on their academic challenges with thoughtfulness and determination. Unsurprisingly, a number of these resilient students subsequently achieved significant academic success.

Students like this have a uniquely compelling story to tell prospective employers because their upper year grades showcase their academic ability, and their journey from unsatisfactory to often stellar performance showcases their resilience. But this requires employers to look at the transcript in full for upward trajectory instead of setting a prohibitively high cumulative GPA cutoff for who may apply or be granted an interview. Strict GPA requirements like the latter weed out many candidates who are both high



performing *and* resilient, when the goal should be to get these folks into the interview stage.

2. Design your interview questions to assess resilience.

In the interview, ask open-ended questions about challenges or setbacks the applicant has experienced. Brian Wong, Partner and Diversity & Inclusion Committee Chair at Pillsbury, shares that his firm provides significant training on behavioral interviewing (e.g., “Tell me about a time you...”) so that their interviewers can elicit actual stories evidencing a candidate’s resilience as well as the related abilities to learn from experience and iterate. As a member of Pillsbury’s interviewing pool, Natasha Hanson Allen adds that she makes it a point to ask direct questions about how a candidate handled a setback in order to specifically assess their resilience.

You can similarly solicit stories of resilience by asking a candidate to “describe a setback you experienced and how you faced it.” Alternatively, you can ask a candidate, “Please give me an example of how you used your problem-solving skills to address a particularly challenging situation, whether professional or personal,” or “Tell me about a time you failed at something.”

You can gather insight not only from the story the candidates tells, but also by how they tell it. Pay attention to the language the candidate uses in relaying their experience of setback. The more positive their language and confident their body language, the more likely they have some strong resiliency skills.

3. Exercise vulnerable interviewing.

Make the interview a safe space for the applicant to share their challenges by showing your vulnerability. Share some of the setbacks you have faced and how you surmounted them. Show humor and thoughtfulness in reflecting on your own or the organization’s missteps. Resilient people do not see their failures as defining them; instead they see their failures as a temporary situation from which they emerged stronger and wiser. They value opportunities for growth and progress, and they look for such opportunities in a job. If you are able to articulate challenges faced and how you or your organization surmounted those challenges, you will better attract resilient applicants.

Sheila Warren, Vice President of Strategic Alliances and General Counsel at TechSoup, gauges resilience not only by asking about a candidate’s past failures, but by leading into that question by providing an example from her own career of when she faced a setback. Ms. Warren has found that this vulnerability on her part “sets an expectation of



how my team functions, where transparency and openness are very important. We don't want people hiding from mistakes.”

By hiring folks who are experienced at owning mistakes, treating setbacks as temporary, and traversing trauma and tragedy, you are making your organization stronger. Your workforce will be more authentic, fulfilled, capable, and healthy.

As an important bonus, you also will be increasing the diversity of perspective in a profession sorely in need of it. Many of my most resilient and empowered students were the ones whose journeys were the most challenging. Some had lost close loved ones. Some were diagnosed with cancer in the middle of law school. Some had faced significant financial challenges throughout their lives. When their classmates were worried solely about getting an A on a college exam, these students were worried about maintaining their job at the college bookstore, getting home in time to babysit their little brother and cook a meal for their aging grandparent while their parents worked a second shift, *and* finding time and focus to prepare for that same exam.

Often, these students were women and/or racial minorities who made it to law school in spite of tremendous explicit, implicit, and internalized bias. They were folks with a disability who navigated a system designed without their unique gifts and needs in mind. They were LGBTQ individuals struggling for acceptance by society and often even their loved ones. These individuals had been stretched beyond comprehension and had not only survived, but had learned the magnitude of their strength and deepened the well of their wisdom.

This is the resilience we must build, recruit, and champion in our profession in order to best serve our clients and ourselves, because as much as we try, we cannot always stall the fall. “The greatest glory in living lies not in never falling, but in rising every time we fall.” Sage words from Nelson Mandela, a principled and perseverant hero. A survivor. A lawyer.

(Link to article: <http://www.lawpracticetoday.org/article/lawyers-rise-recruit-resilience/>. This information or any portion thereof may not be copied or disseminated in any form or by any means or downloaded or stored in an electronic database or retrieval system without the express written consent of the American Bar Association.)

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Belonging Glossary

Allyship

Providing support to and solidarity with people whose marginalization you do not share; “[S]haring the burden of the outcome.” (Corey Ponder, “Ally, Advocate, Warrior – Why Terms Are Irrelevant.”); Using one’s privilege and power to drive inclusion and equity.

Authenticity

The external presentation of one’s true inner self (does not necessarily mean one’s *whole* true inner self). “Alignment between your internal values and how you live your life, i.e., what you choose to do and choose to reveal.” (Neha Sampat, “An Authentic Discourse on Authenticity”)

Belonging

A sense of being a valued and understood part of something larger than oneself; A sense of fitting in. What contributes to a sense of belonging differs from individual to individual, so a belonging-based approach is one that seeks out and values the input, experiences, and perspectives of each individual in an organization (as opposed to more traditional diversity and top-down inclusion approaches).

Bias-Interruption

The act of recognizing bias in word, action, or approach, calling out that bias, and working to: (1) dismantle systems supportive of bias; and (2) address bias in oneself and others.

Courage

A practice [of] doing the thing that you don’t want to do but know needs to be done. (Kori Carew, “Just belonging: finding the courage to interrupt bias” TEDx.)

Curiosity

A sincere desire to understand.

Emotional Agility

“[A] process that enables us to navigate life’s twists and turns with self-acceptance, clear-sightedness, and an open mind.” (Susan David, *Emotional Agility: Get Unstuck, Embrace Change, and Thrive in Work and Life*.) This entails, what Susan David terms, “showing up,” which means courageously making room for difficult and “negative” thoughts, emotions, and behaviors, treating them with curiosity and grace.

Empathy

“[F]eeling with people” (Brené Brown), without conflating your experience with another’s experience.

Growth Mindset

The belief that one’s abilities “can be developed through dedication and hard work” (Carol Dweck) and are not static. People with fixed mindsets tend to see a failure as defining them, while people with growth mindsets tend to see a failure as a snapshot taken in a moment in time and as a stepping stone to possibly better outcomes.

Privilege

Unearned special access (by virtue of specific group membership) to opportunities, influence, and resources that others outside of that social group do not have, often combined with a lack of awareness of that advantage.

“Benefits that you may receive that you have not earned.” (Kori Carew, “Just belonging: finding the courage to interrupt bias” TEDx.)

Resilience

“Elasticity that allows a person to be stretched to an uncomfortable limit, and then bounce back swiftly and completely, often with forward trajectory.” (Neha Sampat, “Lawyers on the Rise: Three Ways to Recruit Resilience.”)

Vulnerability

“[U]ncertainty, risk, and emotional exposure.” (Brené Brown, *Daring Greatly*.)

BY KORIS CAREW

The Heat Is On: How Law Firms Should Respond to the Increased Calls for Diversity from Clients

Part One

The last year has seen increased focus on better ways to push diversity accountability. ABA Resolution 113 urges legal service providers “to expand and create opportunities at all levels of responsibility for diverse attorneys and urges clients to assist in the facilitation of opportunities for diverse attorneys, and to direct a greater percentage of the legal services they purchase, both currently and in the future, to diverse attorneys.” In addition, the ABA 360 Diversity and Inclusion Commission released several tools to help increase diversity, including a Model Survey that many corporations have supported. The Model Survey allows corporations to evaluate the diversity metrics of law firms

and the ABA to collect aggregate data and uniformly measure industry progress.

Consider, also, companies that have demanded higher levels of diversity from their counsel, such as (i) HP, which has announced it can withhold 10 percent of fees from law firms that do not meet diversity and inclusion goals; (ii) Facebook, which announced on April 2 that it will require 33 percent diversity of women and minorities working on its matters by outside counsel and will “actively identify and create clear and measurable leadership opportunities for women and minorities”; (iii) MetLife will require its outside counsel to provide a formal talent development plan on how they will promote and retain diverse talent by June 18 and (iv) other general counsel who have encouraged that firms be fired for failure to improve their diversity numbers and for this firing to be publicly shared.

Corporations and law firms have partnered to advance diversity and inclusion in the legal profession for a while now. At times, the relationship has been framed as a challenge from clients to those who do their work, and at other times a partnership with common goals and challenges. In 1998, BellSouth Executive Vice President and General Counsel Charles Morgan initiated “Diversity in the Workplace: A Statement of Principles,” to which more than 500 corporations committed. In 2004, Rick Palmore, then CLO of Sara Lee, issued a Call to Action that again was joined by hundreds of corporations as a result of the slow progress on diversity in the legal profession. Microsoft has had a long-standing diversity and inclusion bonus program that rewards law firms for meeting its diversity and inclusion goals, and it recently updated the program to reward firms with at least one diverse relationship partner and more diverse lead attorneys on its matters.

Given that law firms and corporations have made many efforts over the years to advance diversity and inclusion, how should law firms respond to this renewed push for **results**? If these client-driven measures are to yield meaningful progress, we must tackle embedding inclusion and improving diversity as an organizational issue in a more cohesive and strategic way than many organizations have in the past. This series will focus on various aspects of organizational strategies necessary for us to move the needle forward meaningfully in diversity and inclusion.

Progress is not the responsibility of women, minority and LGBT attorneys alone

For too long diversity strategies have focused on telling attorneys from underrepresented groups what to do to succeed in the legal profession. The advice and programs focus on a premise, stated or implied, that attorneys from these underrepresented groups would be successful if they only knew the rules, played by the rules, or conformed to the culture. Frankly, for many attorneys of color, cultural differences and other barriers have played a role in their career trajectory and whether they achieved “success” in majority law firms despite their ability and willingness to conform and follow the rules. Conformity has proven to clearly not be enough.

It is important to provide transparency on success strategies, especially when an organization shares information informally and is relationship-driven. Transparency on success strategies, however, is merely a beginning step. We must also look at the firm culture, processes and systems and assess structural barriers. **Our organizations were not built by a diverse group for a diverse group.** And often we find that our systems in organizations are well-meaning but fail to evaluate where they impede diversity or have barriers built in for some (an earlier draft described these systems as well thought-out, but my editor pointed out that a process is not well thought-out if it does not account for diversity. She is right). The solution, then, must include an organizational analysis and focus on strategies beyond what people from underrepresented groups must do to assimilate. The first step is getting leaders to understand that the problems are also embedded in our cultures, structures and accepted behaviors before moving any further.

The questions every organization should frequently be asking are, “Do our leaders know what inclusion looks like and what is expected of them in being inclusive? Are we behaving in ways consistent with our stated values?” We must ask ourselves these questions repeatedly as we work through making

changes toward our diversity and inclusion goals.

Take a look at where problems hide in the organizational DNA

After acknowledging that a significant part of your diversity and inclusion problem is the organization, culture and processes, then you are ready to begin analyzing for blind spots. Follow up your implicit bias training with an analysis of blind spots in your most critical talent-development processes. Do this with all training you deem to be important and impactful for your leadership and the organizational culture. Look at everything from your forms to your informal practices, unspoken rules and expectations. Do the same for cultural competency and how well your organization works across differences. Cultural fluency is a key aspect of creating inclusion that often gets neglected and is why so many diversity and inclusion strategies have historically focused on what I call “fixing the minorities.” **It is one thing to invite diverse talent to your organization. It is another thing altogether to have leaders and teams that are able to work across cultural differences and have those cultural differences be integrated to the culture of the firm.** Assess your leaders, those in key talent-management committees and decision-making roles, as to how they work and flex across differences. A useful tool that we have used at Shook, Hardy

& Bacon is the Intercultural Development Inventory (IDI). Once you have assessed your leaders, tell the organization how it is doing with welcoming and leveraging differences effectively.

Use metrics and analysis that show where you lose people to assess what aspects of your business practices contribute to the problem. As a diversity professional and inclusion strategist, my ability to persuade for change has been heavily enhanced by my ready use of current data, information from pulse surveys, stay interviews I have conducted (although I don't tell people it is a stay-interview when I converse with them), and personal stories that capture the experiences of our diverse talent. After you have obtained your metrics and analyzed them, create a solution from there. It is critical that we move beyond education; education and awareness should tie to the implementation of concrete individual and organizational strategies.

Accountability, accountability, accountability

I will be frank: we have all worked at firms where there is that problem partner who does everything discussed in the implicit bias session. The problem partners tend to skip the valuable equipping and awareness sessions organized by the D&I Committee or firm leadership. And in many of our

organizations, we knowingly give them a pass on their behavior and the impact on our talent because the partner is a good trial attorney or big rainmaker. We don't factor in their impact when addressing issues of engagement and advancement to mitigate the outcomes. It may be the partner who gives all the women attorneys the "office housework," or the one who considers attorneys of color only for the pitch where the client is diverse or diversity is important, conveniently forgetting them when other work comes in, or even the partner who only sponsors and grooms "good ol' boys" who remind him of himself despite having star performers from underrepresented groups on the team. How we respond to the actions of such partners in our organization communicates the organization's values more than the mission statement and leadership professions. This process should not be about shaming or blaming individuals but rather providing a safe environment that intentionally promotes and insists on growth and positive change.

Accountability is not just about penalties and restrictions—we should also reward and encourage the behavior we want to see. Accountability can also be fun. As part of Shook's "It's All About Inclusion" Campaign, we had people in the firm write a note of thanks to someone who has been inclusive towards them or invested

in their career. Those who received a card were delighted. We did not anticipate the level of positive energy this activity would elicit. It was a simple way to encourage people to notice inclusive behavior and to express gratitude. We chose this activity also knowing that expressing gratitude has an impact on morale. Since we initiated this activity in December 2015, employees continue to request cards to use, and some of our partners even use them with clients. The lesson? Make accountability fun, positive and infectious.

Other accountability measures include consistent measurement as well as interpretation and discussion of those measurements to determine how the organization can improve. Accountability also includes communicating progress and obstacles to the organization. Some people establish financial incentives for progress and tie progress in diversity and inclusion on teams to compensation for leaders. Each organization must assess what level of accountability is effective. Let's place more energy on this aspect of change management at our firms.

Part two in this series will explore additional strategies for increasing and fostering diversity and improving inclusion in law firms, including investing in long-term plans and customizing solutions to better fit the needs of the organization.

Part Two

Part one of this series focused on how law firms can meet the increasing diversity and inclusion expectations of their clients by recognizing that improving diversity and inclusion is an organizational issue, assessing how the structures within the firm can suppress diversity rather than foster it, and holding leaders accountable for failing to meet the diversity goals of the firm. The series continues with further exploration into organizational strategies to help firms address calls for improved diversity.

Invest in long-term strategies

It is not uncommon that a crisis, exodus or other wake-up moment precipitates change. We must resist implementing quick solutions that end up short-changing long-term strategies to embed inclusion into our practices and culture. Quick fixes and measures to have quick results are not bad. For example, consider my efforts to be healthy: I am cutting the amount of carbohydrates I am ingesting, and I am also increasing my exercise and behaviors during the work day from movement to packing my lunch. My efforts include short-term investments and long-term strategies that involve commitment, planning, and new habits. Similarly, short term + long term +

consistency + education + accountability = the diversity and inclusion results we want. We can hire laterals to increase diversity, but we must address our culture and leadership to keep those laterals. We can create a bold goal of increasing diversity hiring by 50 percent, for example, but we must invest in development programs to invest and develop these attorneys and support them effectively to success. **We must have a plan that goes beyond now.** We can send everyone to implicit bias training but we must follow up with organizational changes to promote new behaviors, measure changes, incentivize and provide tools for individual behavior change, and tweak our systems as needed to create consistently new results.

It starts with leaders—and not just their speech

The billable culture, focus on business development and traditions behind old-school lawyer development impact diversity and inclusion in real and practical ways. People don't stay at their jobs because the Diversity & Inclusion Committee launched a fantastic initiative—they stay when they are engaged and belong. Engagement requires that we equip, invest in, respect and value our diverse talent. The job of the D&I committee and firm leaders is to focus on implementing systemic change, educating to raise aware-

ness, equipping leaders to lead diverse and cross-cultural teams, and providing solutions that engage a diverse workforce. How people feel day to day, however, is impacted by whether they have access to opportunities, whether their talents are leveraged, if they have a voice on their teams, if they feel respected and included by colleagues, and if their leaders show cultural competence. There are all critical components of creating belonging for diverse talent. For this reason, I frequently ask that we stop talking about retention; instead, we should talk about engagement and advancement. **Our talented professionals are not passive receptacles waiting to be kept in an organization, retained but unseen and undervalued. People want their strengths and abilities leveraged, to be part of healthy and competitive high-performing teams, and to belong.** Engagement is the difference between a thriving career and one where you are waiting to escape. Diversity and inclusion efforts should then include supporting leaders in their development and growth as effective, inclusive leaders.

What this means, then, is that we must spend more time looking beyond the education we provide on diversity and inclusion. Implicit bias training will create awareness, and leaders interrupting bias or behaving better will

make a difference in the experiences of team members. Cultural intelligence competency training will educate leaders on why team members may behave the way they do, but culturally competent processes and behavior will make space for different ways of showing the same skill and not being penalized. As the leader goes, so goes the team. It is imperative, then, that we emphasize the role that leaders play and pay attention to their behavior. Leaders should be evaluated based on their commitment and participation in inclusion initiatives as well as whether they model inclusion competencies. Organizations should reward those who are inclusive and behave in ways consistent with the culture the organization is seeking to create.

As I end this point, it is important to note that I believe most people want to do the right thing. I have never hosted a diversity and inclusion program at my firm where two things haven't happened: 1) several people say everyone should be required to attend the seminar; and 2) people respond positively to my request to pick one to three things to work on to change their behavior or implement what they have learned. Include in your education programs an opportunity for people to identify action items they can begin to implement right away, and then follow up with

them on how they are doing and if they need help. This process helps individuals follow through with their commitments better than just going to a session and walking out.

Do the analysis, follow the data

It is tempting to send a headline about a flashy new initiative at another law firm or corporation to your head diversity and inclusion professional to ask if your firm should institute it. Don't. Each initiative and program at your organization should have a concrete, holistic strategy behind it, and that strategy should be linked to the needs of the organization. What does your data tell you—quantitative and qualitative? What are the experiences of your talent? To find out, do a climate survey, host focus groups and conduct interviews—talk to people about why they stay at the organization, what contributed to their success, and whether they can identify the reasons they have struggled. Review metrics and data from multiple viewpoints, and slice the data to parse the information. After you've gathered and assessed your data, carefully craft your initiatives to meet those needs and offer narrowly tailored solutions to the problems at hand. **Bottom line: resist the impulse to focus on output over impact or follow the headlines and buzz instead of conducting a thorough internal assessment and considering your core priorities and**

strategic approach or plan. If you read about a firm implementing an attention-getting diversity initiative, understand that the initiative should be part of a broader strategy and analyze whether you think it will help your firm meet the needs of its diverse talent.

Customize the solutions—one size doesn't fit all

With limited time and resources, you may be tempted to craft programs and require everyone to participate in them. But while many underrepresented groups share some experiences, those experiences are often distinct. **The myth of inclusion is that if you are inclusive you must include everyone in everything. Sometimes the solution for one group is only effective and meaningful if restricted to that group.** In addition, failing to recognize the differences between groups (and intersectionality, for that matter) leads to crafting one-size solutions that may work for many women, but not for women of color or minorities, for example. For a number of years, Shook has offered a Diversity Retreat exclusively for minority and LGBT attorneys. After each retreat, I get a deluge of questions on why others could not attend. It is humbling that others want to benefit from the content of our Diversity Retreats, but I stand firm (with the support of my firm's leaders) that the retreat is only

for minority and LGBT attorneys. Shook offers an amazing array of programs, opportunities and initiatives that are open to everyone. We can stand to sometimes let our underrepresented professionals focus on their own needs and create a safe space to discuss their unique challenges as minorities.

We must also pay attention to intersectionality. One flaw of previous feminist movements and women's initiatives in many organizations, for example, has been the failure to address intersectionality. The topic on its own could be a book and certainly its own article. The point, though, is that we must pay attention to the many ways intersectionality shows up when crafting programs and initiatives. Race impacts the experiences of women, as does being LGBT or differently abled. We must ensure that our women's initiatives address all women. We must also have the courage and wisdom to say no to making programs all-inclusive if the driving need for the program or initiative is not all-inclusive.

That said, in most instances, an inclusive approach serves the organization better by bringing in those from the underrepresented group and allies, creating a circle of belonging that emphasizes that are all needed and should be involved. It is critically important to include white men in the stra-

tegic planning, communication and implementation of diversity and inclusion initiatives. Allies and others in the organization also must be educated on inclusion challenges within the organization. But we must be mindful of when specific initiatives created to give a safe space for people from underrepresented groups to discuss and navigate challenges unique to them are vulnerable to being co-opted.

Conclusion

We can develop organizations that have diverse, high-performing teams delivering excellent results for a changing world. Getting there requires an intentional strategy as well as consistent, patient and bold leaders. We must be ready and willing to help our time-constrained partners and leaders find innovative, practical and effective ways to be more inclusive. It also requires execution because having a great strategy is only the start; we need people in the organization who take responsibility for effective implementation. The demands for diversity from clients and the ABA are an invitation to make the legal community welcoming to every qualified person who seeks to join it, and now is the time for us to commit to making a difference. Taking the time to step back and evaluate our efforts

to be sure we address organizational and structural barriers is well worth our time. Implement a process to:

- Commit to having organizational solutions based on organizational causation;
- Analyze how your culture contributes to the problem;
- Question the level of accountability and make changes accordingly;
- Invest in long term strategies;
- Make Diversity & Inclusion a leadership issue and responsibility;
- Follow the data; and
- Customize solutions to address the need raised and the challenge to be resolved.

After all, it really is all about Inclusion.

Kori S. Carew is Shook, Hardy & Bacon's Director of Strategic Diversity Initiatives. In this leadership role, she equips and empowers leaders to interrupt bias and manage diverse teams inclusively, crafts solutions designed to disrupt systems and achieve equitable results, and equips diverse talent for success. Kori integrates her experience as a trial attorney and law firm partner into the firm's diversity and inclusion strategies.

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