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ESSENTIAL KEYS TO UNLOCKING THE POWER OF

DIVERSITY, EQUITY
AND INCLUSION

BY JACOB EIDINGER AND MEGAN STEWART



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ach person's path in life is determined by a series of opened and closed doors. Behind every locked door lies a better opportunity or meaningful experience that can lead to a higher level of advancement. But who holds the keys? Likewise, a law firm's journey toward diversity, equity and inclusion (DEI) in the workplace can be viewed as its own path, with keys that ultimately open doors for the entire industry.

Studies repeatedly show that the legal profession is one of the least diverse in the U.S. According to employment data released June 5, 2020, by the U.S. Bureau of Labor Statistics, white workers comprise 79.2% of legal occupations. That number jumps to almost 90% for equity partners. While many firms have paid lip service to DEI in recent years, progress has been measurably slow.

A diverse and equitable workplace is not just key for talent development and experience; clients are demanding it. In January 2019, more than 170 General Counsels published an open letter urging outside counsel to implement more diverse hiring practices. Moreover, requests for proposal increasingly ask firms to describe their ongoing DEI efforts, as well as the actual diverse makeup of their teams.

Below are three key steps law firms can take to unlock the power of DEI as illustrated through real-life success stories.

1

Promote Transparency and Understanding Through Open Dialogue

The first key toward unlocking an inclusive workplace culture is to acknowledge that your firm has room for improvement. Embrace a culture of transparency by providing a platform for your employees to ask questions and provide feedback on the firm's DEI efforts.

For instance, **Weber Gallagher Simpson Stapleton Fires & Newby** held its inaugural virtual town hall in the aftermath of the death of George Floyd. Facilitated by Assistant U.S. Attorney Dara Govan, the event addressed questions about diversity, systemic racism and allyship before breaking up participants into smaller groups for more intimate discussion. The firm maintained the event's momentum by continuing to host interactive discussions about law firm diversity throughout the year.

Shearman & Sterling also responded to Floyd's death by hosting regular open forum discussions around DEI. "Participants candidly and courageously shared their own experiences of discrimination, talked about the privileges that they took for granted and discussed how the firm can

play a role in being a positive force for change," says Taylor Cross, diversity and inclusion manager at Shearman & Sterling. Over a dozen open forums have taken place with hundreds of participants globally, and the firm continues to host interactive discussions on a monthly basis.

While encouraging openness is a cornerstone of workplace DEI, firm leadership must also commit to turning these conversations into action. Shearman & Sterling used lawyer affinity groups for over a decade, but the firm's open forum led to the realization that it lacked sufficient support for diverse professional staff that were not practicing attorneys. In response, the firm launched Black Employees at Shearman for Equity, Empowerment and Networking (BE SEEN) to provide resources to Black employees across the firm.

According to a recent quick poll from recruiting firm Calibrate Legal, only 55% of law firms include business services professionals in their affinity/resource groups, and only 26% include them in their alumni communities. Including professional support staff in these initiatives is an effective way to encourage a firm culture in which everyone feels valued and supported.

2

Build a Robust Pipeline of Diverse Talent

By routinely compiling and analyzing recruitment, hiring, promotion and compensation data, law firms can better understand the impact of their DEI efforts. Sharing that data with key stakeholders further improves transparency and helps to hold firm leaders accountable. Many firms have committed to a data-driven approach by becoming Mansfield Rule Certified, which requires law firms to consider a significant percentage of women, people of color and LGBTQ+ individuals for leadership and governance roles.

Furthermore, the industry path to DEI is made more achievable when there are equitable opportunities for diverse talent to enter the profession. In 2019, **Burr & Forman's** diversity committee set out to restructure its annual pre-law internship program to build a diverse pipeline of law school candidates and develop champions of diversity in the legal field. The three-week, award-winning intensive, held virtually in July 2020, featured case assessments, a resume/cover letter workshop, a LinkedIn class, a mentorship program, class discus-

sions and a moot court competition, as well as virtual meetings with professors, judges, practice group leaders, law school admissions directors and career counselors.

Keating Muething & Klekamp has also sought to create equitable opportunities for students by building the nation's first law student diversity case competition. Developed in partnership with the University of Cincinnati College of Law after a local minority job fair was eliminated, the case competition was designed to simulate a real-world associate experience, where students use their analytics, problem solving and communication skills to solve client scenarios. "The traditional job fairs lack the opportunity for students to exhibit these skills," says Julie M. Mulhern, director of professional development at Keating Muething & Klekamp. "With this experience, students are exposed to the law firm setting and the anxiety of a formal interview is reduced." Attorneys get involved in the process through coaching, mentoring and judging the competition.



Commit to Industry-Wide Progress

Firms that are seeing measurable success in their internal DEI programs should strive to leverage this expertise to effectuate systemic, lasting change throughout the legal industry.

For example, legal ranking services have been publicly criticized in recent years for their lack of diversity among ranked attorneys. "Legal directories do not accurately reflect the legal market, nor are they always trusted by clients," says Lindsay Bombardier, marketing and business development director at **Lenczner Slaght Royce Smith**

Griffin. "There were no existing programs that positioned female lawyers as equal, available resources. Consequently, clients often do not get referred diverse teams to solve their complex legal problems."

Lenczner Slaght sought to challenge this gender disparity by creating ReferToHer, a website that hosts lists of experienced female lawyers, organized by practice area. Since the website's launch in June 2019, ReferToHer has had over 10,000 site visitors and has resulted in an uptick in referrals to the firm's female partners, as well as an increase in speaking and publishing opportunities, Bombardier says.

In another example of a firm's effort to be an industry change agent, **Blank Rome** developed the 21-day Racial Equity Habit-Building Challenge for the ABA Section of Public Contract Law. Curated by firm partner Dominique Casimir and based on the concept developed by diversity expert Dr. Eddie Moore, the 21-day challenge featured a list of daily readings and videos — many focused on the experiences of diverse attorneys — to help participants build a racial justice mindset. Participants were then brought together on a weekly basis to discuss the manner in which race continues to impact diverse populations. Importantly, in addition to the firm's lawyers, Blank Rome also invited administrative staff and clients to participate in the challenge.

If your firm is just getting started with DEI, congratulations on committing to the path. For those firms that are successfully

cultivating a diverse, equitable and inclusive workplace environment while simultaneously driving industry-wide progress, keep pushing forward. No matter where your firm falls on the pathway to DEI, the keys provided can help unlock the door to a more equitable workplace, greater ideas, healthier client relationships and the power to be a positive force for systemic change. ■



Jacob Eiding is the marketing coordinator at Wigdor LLP, a prominent plaintiff-side employment litigation boutique based in New York City. As a solo marketer, Eiding is responsible for

developing and implementing the firm's content marketing strategy and creating day-to-day marketing collateral. Eiding currently serves as the member engagement chair on the LMA 2020 New York Local Steering Committee, is an issue editor of Strategies magazine and has volunteered on the LMA Northeast Regional Conference Committee.



Megan Stewart is a business development (BD) coordinator at King & Spalding, an international law firm with 1,200 lawyers in 22 offices worldwide. As a member of the global BD team, she is

responsible for the support and execution of marketing and business development initiatives. As an active member of LMA, Stewart currently serves as the secretary on the LMA 2020 Atlanta Local Steering Committee, is an editor of Strategies magazine and has served on the LMA Southeast Regional Conference Committee.



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SHARE YOUR DEI INITIATIVES AND INSPIRE OTHER FIRMS

The stories highlighted in this article were collected in collaboration with the LMA D&I Committee, as part of their ongoing **#LMADEISpotlight** campaign. If your firm is pioneering inventive ways to engage in diversity, equity and inclusion initiatives, we want to spread the word and help inspire other firms to do the same. Use the hashtag **#LMADEISpotlight** or email us with your story at marketing@legalmarketing.org.