

CREATING A PLAN FOR DIVERSITY AND INCLUSION

A Step-By-Step Guide for Your Firm

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Think of diversity and inclusion as a Rubik's cube. Acknowledging and meaningfully integrating different forms of social difference — such as race, gender, sexual orientation, or even age — is a multi-dimensional, tiered puzzle with myriad interconnected parts.

When considering the various pieces that make up a successful diversity and inclusion initiative in the workplace, how do you solve the puzzle and ensure that all of the pieces fit together seamlessly? What shape should the initiative take? Which strategies can firms of any size implement? How do you set up a successful program your firm will embrace? There are many questions to consider. This article will address how to build a sound diversity and inclusion program from start to finish.

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HOW TO PITCH A PROGRAM

Get a program or strategy off the ground by pitching it carefully. During this stage, be aware of what is referred to as "status quo bias" — the desire to maintain your office's current culture and procedures with as little change as possible. Dr. Arin Reeves describes this as the "quicksand of our brains," which finds comfort and gets stuck in patterns and predictability. Reeves' March 2012 Chicago Lawyer article details how people "default to the default" and prefer the devil they know to the one they do not.

Apply this knowledge to your pitch strategy. For example, two different companies delve into diversity and inclusion programs:

- Company A announces it is "exploring the idea of implementing an inclusion initiative" and wants input.
- Company B announces it is "implementing an inclusion initiative" and wants input.

Company A's employees are more likely to question the new program. They respond to the, "Should we do this?" implication of the announcement's wording, which leaves room for employees to exercise status quo bias. Meanwhile, says Reeves, Company B receives an overwhelming majority of positive feedback. Company B's language implies implementation of the initiative and does not question it, therefore minimizing the opportunity for status quo preference among employees.

Communication with conviction is an important element of implementing a new program and contributed to the development of Perkins Coie's diversity initiative. Laura Neebling, Chair of the Firmwide Executive Committee, says the goal of diversity was "expressed in absolute terms" during a strategic-planning meeting. A segment of firm leadership had enough conversation on the topic and motivated others to take action.

In a legal office where other items compete for time, a subtle shift in language can kick-start action-oriented momentum.

HOW TO BUILD A PROGRAM

Where should a law firm direct its energy when creating a diversity and inclusion program? What strategies and measures are popular and will be successful for a firm? The following suggestions are compiled from a Minority Corporate Counsel Association (MCCA) data set alongside ALA members' recent responses to a survey conducted specifically for this article (176 responded). Additionally, several ALA members and member firms of all sizes were interviewed to share their best practices.

Appropriate staffing

Almost 90 percent of MCCA reporting firms maintain a diversity-specific committee. Eighty-three percent of those include a member from the law firm's leadership. The committed participation of firm leadership provides authority to the group and its objectives.

In addition to active firm leadership, Tammy Cowser, Human Resources Director at Marshall, Gerstein & Borun LLP, offers a best practice for committees. Though it sounds simple, she says, "Organization is critical." Hold regular meetings, create an agenda, and walk away from meetings with action items.

Otherwise, firms risk not moving forward on their diversity goals. MCCA data illustrates that a greater number of firms meet frequently, predominately quarterly. Statistically, 19 percent of firms' meet annually, 11 percent twice a year, with 30 percent meeting quarterly, and 22 percent meeting monthly.

Beyond a committee, consider hiring administrative personnel solely designated to the firm's diversity program. More than 50 percent of MCCA firms responded that this is "not a current priority," though adding this position could save them both time and money.

Theresa Cropper, Chief Diversity Officer at Perkins Coie, notes that a diversity staff position will save the firm money by freeing attorneys to work on client matters. At Marshall, Gerstein & Borun, Cowser handles the diversity committee's administration - on top of her regular workload - because the lead partner does not have the time.

There is another reason to professionalize the position. Cropper explains that if firms support the position, and the diversity officer has "a seat at the table," firms can make diversity a fundamental part of their strategic goals and who they are. Sally Olson, Chief Diversity Officer at Sidley Austin, LLP, agrees. At Sidley Austin, diversity is separate from Human Resources to link it to the firm's strategic vision, tie it directly to the business imperatives of the firm, and give it a higher profile.

Create a plan

Sixty-two percent of ALA firms surveyed for this article have a diversity statement on their website and 55 percent list diversity as a core firm value. But clients are increasingly looking beyond statements.

What are the ways your firm can do more?

One way is to create a program specific to the firm's needs and goals. Seventy-five percent of MCCA firms include diversity in their firm's strategic plan. When building a plan, Cropper recommends first listening carefully and extensively. She advocates a thorough consideration of the firm's culture, history, opportunities, challenges and human capital. Olson also says to avoid preset ideas; know your office's personality before taking action.

Couple this with a thorough understanding of the firm's internal diversity metrics. Memory can be subjective, whereas metrics provide a clear picture of a firm's operations. Olson refers to internal data as holding a mirror up to the firm. The firm may not like what it sees; but then it can ask the following: What can we do differently? How can we improve?

Quantitative data helps to identify the specific trouble spots that require time and energy. To start, consider firm demographics at all levels and forms of leadership. Examine a range of social categories:



race/ethnicity, gender identity, age, ability, family status, sexuality, socioeconomic status, as well as cognitive diversity. Beyond demographics, compare and benchmark compensation, attrition, and work assignments.

Compiling data has additional benefits. Olson notes clients are increasingly concerned about their public image, and want their service providers to be more diverse. Cowser agrees; she says more clients want to know metrics, and, they each want specific, different measurements. Although time-consuming, Cowser says cleaning up internal data is worth the effort. It is a challenge to respond to client requests timely if the firm is not prepared. Having organized data that's ready to go will save a firm from a fire drill.

Popular strategies

Diversity and inclusion strategies are either external or internal. External measures are outward facing and representational, while internal measures examine the operational and cultural dimensions of firm life. Quantitative data reveals that firms are more comfortable creating and supporting external measures, though internal measures are critical to building firm inclusion.

According to the previously mentioned ALA survey, 62 percent of firms have a diversity statement, 60 percent support diverse students, 69 percent attend diversity events, 58 percent sponsor diversity events and 66 percent maintain relationships with minority bar groups. These external strategies demonstrate how firms represent themselves with the outside world. Internal measures, however, are less committed: 70 percent of firms have mentoring programs, 40 percent review work assignments, 30 percent have ongoing training, 37 percent seek feedback, and 24 percent incentivize diversity participation. These internal measures that are less popular (mentoring aside) are also central to systematically building diversity into the fabric of firm operations. Successful firms combine both types of initiatives within their programs.

Whether you promote an external or internal strategy, be strategic and know your office. Cowser advises discerning which weekday and time typically generates more voluntary participation in training programs, and use that information to plan diversity events accordingly. Food and alcoholic beverages are also motivators for attendance.

Efficiency will also drive attorneys to events. Cropper recommends an approach that acknowledges attorneys as professional timekeepers. Make communication easy and efficient. Ask for a brief block of specific time, and pose their participation as a value-add. Attorneys can share their participation with a client after the fact, or even invite the client. "Diversity is a resource, not a drag," Cropper says. "Show attorneys why it is worth their time."

Last, but not least, practice inclusion within your diversity program itself. Cropper advocates finding a strategy that lets people appreciate diversity in their own way. In fact, firm members may already be doing something that enhances inclusion at the firm - but they don't consciously identify it in that way. Identify these options and embellish them. Think about the impact that person and their activity could have institutionally. That is how you embed strategies within your firm.

FOLLOW UP TO ENSURE RESULTS

Accountability is difficult and necessary to a firm's diversity initiative. If firms don't execute their action items, says Neebling, they revisit the same goals year after year. Set up a program for success by incorporating incentives, as well as follow up, comparative, and reporting mechanisms.

MCCA data illustrates the difficulty firms experience building accountability into their programs. When asked how they hold themselves accountable for achieving results, nearly one-fifth of firms report no accountability measures whatsoever. Of those that responded, the most popular mechanism is reporting to firm leadership - which fewer than 50 percent of firms do. Other forms of reporting include creating an annual report (13 percent), reporting to clients (8 percent) as well as reporting to outside organizations (2 percent).

Incorporate diversity participation into the attorney review process to further encourage accountability. At Perkins Coie LLP, Neebling says, partners fill out a diversity checklist; they note items completed over the course of the year and submit a written self--evaluation that factors into compensation. Olson reports the same at Sidley; partners' diversity and inclusion participation factors into annual evaluations and compensation. Fourteen percent of MCCA responders also consider participation to determine compensation and/or bonuses. Nine percent of firms include involvement in performance reviews. Fewer than 2 percent consider it in determining ascension.

Use metrics to create and follow up on strategies. Data allows firms to track their progress, identify what works and identify which areas need continued attention. However, only 17 percent of MCCA firms consider metrics an accountability tactic. Further, only 3 percent of firms benchmark their internal data against industry-wide information. Regardless, consider using these metrics to develop accountability in your firm's program.

CONSIDER YOUR MINDSET

It's challenging to maintain a successful diversity initiative in the business of law. Diane Dettmann, Director of Human Resources at Graves Dougherty Hearon & Moody, PC, sums up the reality all firms face: "Diversity is something that everyone wants, but it's one of those things that, sadly, sometimes gets pushed to the back burner. The practice of law gets in the way."

The above tips can help your firm develop diversity strategies and follow through with them. The best advice, though, is going into it with the right state of mind. Neebling calls it "relentless incrementalism." Never give up, while acknowledging that change does not happen overnight. "You press your shoulder to the wheel and keep walking forward," she says. "You don't need to run, you don't need to jump, just walk. Just keep walking." As one would approach a Rubik's cube, keep moving through it while the solution takes shape.

For more information and further reading on Diversity & Inclusion, visit our [online library](#).



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