

# Five Principles for Creating Diversity in Law Firms

**Arin N. Reeves, J.D., Ph.D.**

“We expect the law firms which represent our companies to work actively to promote diversity within their workplace. In making our respective decisions concerning selection of outside counsel, we will give significant weight to a firm’s commitment and progress in this area.”

*Diversity in the Workplace: A Statement of Principle*  
*American Corporate Counsel Association*

**FROM CLIENTS AND POTENTIAL RECRUITS** to media and professional bar associations, law firms have been encouraged over the past decade to create and sustain diversity within their attorney workforce. Clients are demanding diversity among their legal service providers and are beginning to terminate relationships with their law firms when diversity is

not expressly treated as a top priority. Recent law school graduates, the new generation of lawyers, are seeking diversity in their workplaces and are choosing to select firms that demonstrate a visible commitment to diversity over firms that do not. Legal and mainstream media are publishing annual statistics on which law firms have diverse workforces and which

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law firms do not. The American Bar Association has created a special commission, the Commission on Racial & Ethnic Diversity in the Profession, to address the issue of diversity as a professional development matter, and many state and local bar associations have followed suit by creating similar commissions to deal with professional diversity on a regional level. (See <http://www.abanet.org/minorities/home.html> for more information on the American Bar Association's Commission on Racial & Ethnic Diversity in the Profession.) The attention focused on diversity in law firms over the past few years has gained considerable momentum and is continuing to build.

Even as the business case for diversity has been demanding change within law firms, the proportional numbers of racial/ethnic minority associates and partners have remained static in most firms. According to the *Minority Law Journal's* Spring 2002 survey of national law firms, only 14 percent of all associates are racial/ethnic minorities and only four percent of all partners are racial/ethnic minorities. See details at <http://www.minoritylawjournal.com/spring02/texts/measuring.html>. Recent surveys by the National Association for Law Placement and *The American Lawyer* reveal similar statistics. See [www.nalp.org](http://www.nalp.org) and [www.americanlawyer.com](http://www.americanlawyer.com) for details.

Although the numbers suggest a lack of movement toward diversity among law firms, an informal survey conducted by The Athens Group in 2002 found that the number of law firms committing resources to their diversity efforts has nearly doubled over the last 10 years. Moreover, The Athens Group survey results illustrated that even when law firms are firmly committed to their diversity goals, they are often unsure about the strategies they should employ to meet their goals. In this survey, the majority of law firm respondents revealed a deep frustration with creating long-term institu-

tional change on diversity issues and many respondents commented on their lack of sustainable results in spite of sincere efforts and considerable resource allocation. The law firms' responses were riddled with questions as to the "how-to" of developing and implementing diversity programs that create and sustain diversity in the long-term. As a summarized answer to the many questions asked by law firms on the how-to of diversity programming for their workplaces, this article will explore the key principles and tools for developing and implementing a strategic plan for diversity programming in law firms. Although diversity is a complex issue that is sometimes difficult to understand and sometimes even more difficult to implement, there are proven strategies for success that can be adopted by law firms regardless of the current status of their diversity efforts. There are five key principles to developing and implementing a successful diversity strategy in law firms. Although these principles are more applicable to medium and large law firms, they also offer practical suggestions for smaller firms.

#### **PRINCIPLE 1: COMMITMENT NEEDS ACCOUNTABILITY TO MAKE A DIFFERENCE**

- For a law firm to communicate and implement a solid commitment towards diversity, the commitment has to work from the top down, and be part of the firm's overall strategy.

##### **Top Down**

A law firm's commitment to diversity has to be supported and communicated by the highest levels of leadership within the firm to penetrate and change organizational policies and practices. Without this top down support, the firm's commitment to diversity is diluted in strength and ignored in practice.



### Part of the Firm's Larger Business/Organizational Strategy

A firm's diversity strategy has to be communicated and perceived as a part of the firm's overall business/organizational strategy to be effectively integrated into the firm's organizational practices and culture. If it is seen as an effort that is outside of the firm's larger business strategy, it is marginalized and rendered ineffective in spite of how well planned and executed its programs may be.

**PRINCIPLE 2: ONE SIZE DOES NOT FIT ALL** • Although it is useful to learn from diversity practices that may work for other firms, it is critical to keep in mind that every firm has a unique organizational mission, structure and culture which need to be accounted for in order for a diversity strategy to be effective. Before developing any diversity strategy or programming, your firm should be able to answer the following questions:

- Why is diversity important to us?
- How do we define diversity? Do we mean just racial/ethnic diversity or are we including religion, disability, sexual orientation, culture, etc?
- Are we going to measure diversity by recruitment, retention, promotion, or a combination of all three? Are we going to measure by raw numbers every year or will we use improvement percentages as measures of success?
- How do we want to organize this strategic plan? Does it make more sense for us to have a diversity director or a diversity council? Who will be responsible for gathering the statistics every year? Will the responsibility lie with a lawyer or a staff member? Who will oversee the programming? Who will make the presentations to the executive/management committee?
- What are our greatest strengths in achieving diversity?
- What are our greatest challenges in achieving diversity?
- What are the general perceptions among our associates and partners about our strengths and challenges in achieving diversity?
- How will we communicate this strategy? How will we persuade those who may not see a need for diversity?
- What kind of programming will be part of our strategic plan? Will we do trainings or facilitated dialogues? Will we train staff or just lawyers? Are we going to train everyone at once or will we phase the trainings by hierarchy, practice group, or office location?
- What are the resources we already have to get this strategic plan moving? What are human resource capabilities we can dedicate to this effort? What are the financial resources we need to dedicate to this effort? What external help do we need?

It is often useful to bring in an external consultant (see Principle 5) in the beginning and intermediate stages of developing a diversity strategy to create an objective report on your firm's current environment. An external consultant can conduct an Environmental Assessment that details the unique characteristics of your firm to help you answer the questions listed above and to articulate your firm's unique diversity needs and goals. An external consultant can also assist you in creating and implementing training and mentoring programs specifically designed for your firm. However, regardless of the presence or absence of an external consultant, it is critical for your firm to answer these questions carefully so that your diversity efforts are as synchronized with your diversity needs as possible.

**PRINCIPLE 3: FOCUS ON THE PROCESS AND THE RESULTS WILL FOLLOW** • One of the biggest mistakes that law firms make in

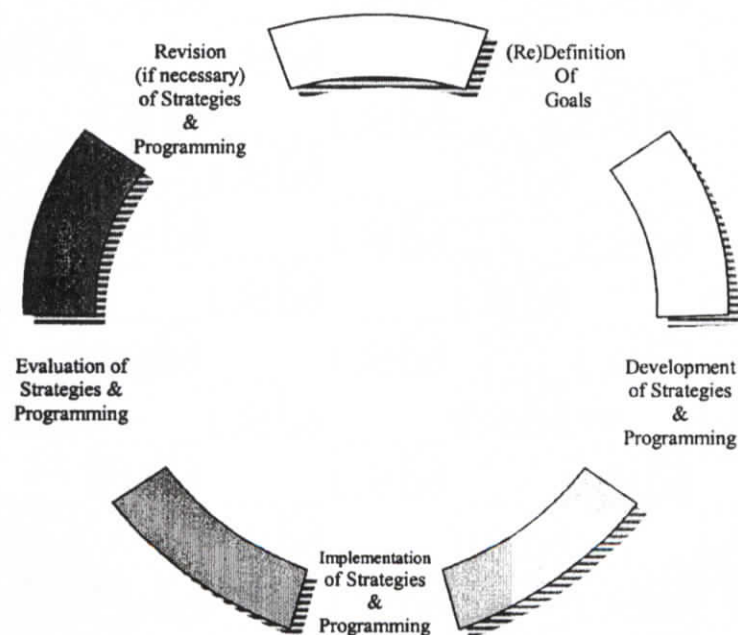
developing and implementing diversity strategies and programming is to focus on the diversity results instead of the diversity process. Although the results are the ultimate goals that diversity programs strive to accomplish, the results cannot be achieved without careful and deliberate attention being focused on the diversity process, especially in the early stages of programming. By focusing on the results, the strategic and programming processes are frequently compromised to achieve short-term goals which are often temporary in nature. Focusing on the process instead of the results brings about gradual and lasting success.

The diversity process has five critical phases which flow into each other in a continuously evolving process:

- Definition of goals;
- Development of strategies and programming;
- Implementation of strategies and programming;
- Evaluation of strategies and programming; and
- Revision (if necessary) of strategies and programming.

Although each phase is a distinct phase with its own set of related objectives and strategies, the process of developing and implementing a successful diversity strategy relies on the interconnectedness of the five phases working together as a fluid system.

The Diversity Process:  
The Five Phases





### Phase 1: Definition of Goals

Diversity goals have to be defined on the basis of a detailed assessment of the firm's organizational mission, structure, and culture. It is useful to frame these goals with measurable outcomes, realistic timeframes and the flexibility to be modified if necessary. For example, if your firm's goal is to improve the retention of minority associates, this goal should be rooted in an assessment of your firm's unique set of facts. (What is the current rate of minority associate attrition? Has there been a recent trend of greater attrition among minority associates?) The goal should also be framed with measurable outcomes (how much of an increase in our minority retention figures do we want to accomplish?) realistic time frame (when can we realistically hope to achieve this increase?) and flexibility for modification (what is our contingency plan if market forces suddenly contract or expand the legal market?)

### Phase 2: Development of Strategies and Programming

Once the diversity goals have been defined, your firm should develop appropriate strategies and programming to achieve these goals. Common diversity strategies and programming include increasing minority recruitment, retention and promotion, creating mentoring programs, conducting diversity trainings, and sponsoring national, state and local bar associations in their efforts to increase minority participation and success in law firms. Although the strategies and programming can be based on strategies and programming that have worked for other law firms, they have to be carefully modified to meet your firm's unique needs. For example, if your firm is developing recruitment strategies and programming to attract more minority candidates, it is useful to explore successful recruiting strategies employed by other law firms; however, it is critical to modify these re-

cruiting practices to meet your firm's needs in terms of the types of candidates you're seeking, the compensation and benefits packages you are offering, and the practice groups you are seeking to develop.

### Phase 3: Implementation of Strategies and Programming

Now that your firm has defined your goals and developed appropriate strategies and programming to meet your goals, it is imperative to design an implementation strategy that will maximize the impact of the programming and the utilization of resources spent on these efforts. Will your implementation strategy involve memos, meetings, trainings, retreats, conference attendance or a hybrid strategy involving all of the above? What is the appropriate timeframe for your implementation strategy? Should this be a program that is implemented immediately or should it be rolled out over a multi-year period? Will this be solely an internal implementation or will you hire external consultants?

### Phase 4: Evaluation of Strategies and Programming

Every successful diversity program has several evaluation mechanisms built into its strategic plan:

- Is the program working?
- What are its successes?
- Where does it need to be tweaked?
- Do you have the resources within the firm to evaluate the effectiveness of your diversity strategies and programming or will you need external assistance?
- Who is responsible for overseeing the evaluation process?

Although this phase follows the definition, development and implementation phases, the previous phases determine what needs to be

evaluated and the methodology of the evaluation process. For example, if the goal is to increase the percentage of minority partners by three percent over a five-year period, the evaluation process entails the calculation of the percentage of minority partners on an annual or semi-annual basis and the reconciliation of increases or decreases in these figures with programming being implemented to achieve these results.

#### **Phase 5: Revision of Strategies and Programming**

Finally, once the evaluations have been completed, it is time to see if the strategies and programming need to be revised to maximize the utilization of your resources and the achievement of desired results. If there are revisions, keep in mind that the revisions may redefine the goals. It is important to remember that these phases are interdependent on each other and keep the process evolving as your firm evolves. When firms focus on the diversity process via the interconnected flow of the five phases detailed above, the results are derived organically from the attention to the process because the process allows your firm to retain its individual mission, structure and culture while implementing mechanisms for change within the existing institutional framework. Focusing on the process instead of the results allows for organizational change that lasts.

**PRINCIPLE 4: MENTORING IS A TWO-WAY STREET AND EVERYONE NEEDS DIRECTIONS** • A critical piece to any successful diversity program is a solid mentoring strategy. Mentoring has been proven to provide greater access to professional opportunities and client development networks to which minority attorneys have historically not had access; mentoring programs have the potential to create greater access to these intra-firm and client de-

velopment opportunities through the relationships between the mentors and mentees, where the mentors assist the mentees in accessing networks that would not be available to them if not for the relationship with the mentor. The Athens Group's recent study on mentoring programs has found that although most firms have formal mentoring programs in place, the lack of training for partners and associates on the mentoring process has rendered many of these mentoring programs defunct from their inception.

#### **Interaction**

Mentoring is a two-way street and everyone needs directions. The first step in creating a successful mentoring program is recognizing that mentoring is an interactive process that requires the active participation of the mentor and the mentee. This step requires that law firms pay close attention to the matching process in pairing mentors with mentees. For a mentoring program to be successful, the mentor matching process has to effectively match the strengths of the mentors with the needs of the mentees. Effective matching facilitates the interactive mentoring process and provides the infrastructure necessary to sustain a successful mentoring program.

#### **Optimal Use of Resources**

The second step in creating a successful mentoring program is to train the mentors and mentees on how to participate in this process in a way that maximizes the use of time, energy and resources for all involved. Although some people have a natural ability to mentor or be mentored, most individuals have to be taught the skills necessary to participate in this process. Mentors and mentees have to be taught critical goal-setting, communication, and conflict-resolution to succeed in this relationship. Further, partners who may not have had much experience working with associates with different



backgrounds than their own benefit greatly from training sessions on how to effectively communicate and mentor across racial, ethnic, and cultural differences.

**PRINCIPLE 5: CHOOSE EXTERNAL CONSULTANTS CAREFULLY AND USE THEM SPARINGLY** • External consultants can be extremely effective tools for law firms to use in developing and implementing their diversity strategies given their expertise and experience in diversity issues; however external consultants should be selected carefully and used sparingly. Questions to consider in the selection of an external consultant include:

- *Qualifications:* Is this consultant/consulting firm qualified? If it's a firm, who are the individuals who will be assigned to our firm? What are their qualifications? Are they qualified in a specific area or will they be able to meet all of our needs? Are they qualified to do both assessments and trainings?
- *Experience:* Is this consultant/consulting firm experienced? Do they have experience specifically with law firms? (Keep in mind that law firms are very different animals than corporations; experience with diversity issues in corporations does not always translate into experience in law firms.) Do they have experience in the areas where our firm needs assistance?
- *Professional References:* Who are this consultant's/consultant firm's professional references? Are their professional references familiar to us? Have we contacted at least a couple of the professional references to hear what they have to say?
- *Pricing Structure:* How does this consultant/consulting firm organize the pricing structure for their services? Does their pricing structure meet our firm's needs and budget? Do they offer alternative pricing structures?

- *Right Fit:* Is this consultant/consulting firm the right fit for my firm? Does their client service style fit what we need? Do they communicate well with our decision makers? Do they understand our needs?

Once you find a consultant/consulting firm who passes this initial screen of questions, it is important to utilize their expertise as a navigational tool without creating organizational dependence on their services. Effective consultants will encourage you to use their expertise and experience on an "as-needed" basis and advise you in creating institutional mechanisms to sustain the diversity efforts that they may assist you in developing and implementing. Although it may be effective to have consultants periodically review your programming and fine tune your process, organizational independence should be a long-term goal.

Some strategies to avoid becoming dependent on external consultants is to suggest that they conduct "train-the-trainer" programs when possible, train the Human Resource staff within your firm (if possible) to evaluate and revise programming on a semi-annual basis, and create pricing structures on a project basis instead of being hired on a retainer.

**CONCLUSION** • Even as the legal profession faces tremendous challenges in addressing the complex dynamic of diversity, we now have the academic research and business tools necessary to achieve and sustain a diverse cadre of lawyers within all levels of law firms. The five principles presented in this article are proven tools for change which have enabled many law firms to transcend good intentions and sincere effort to achieve sustainable results in creating a more diverse workforce. The principles offer a simple yet powerful paradigm for diversity strategic programming that can work for you.

### PRACTICE CHECKLIST FOR Five Principles for Creating Diversity in Law Firms

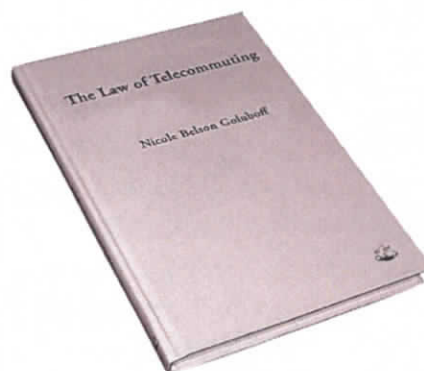
Some law firms are lagging in their diversity efforts. Solving the problem is usually a matter of commitment. It is also a matter of developing a comprehensive plan. The best way to go about crafting a plan is to follow the five principles of creating diversity.

- Commitment needs accountability. The approach must be from the top down, and diversity must become a part of the firm's business and organizational strategy.
- One size does not fit all. Each firm must analyze what diversity means. Why is it important? How do we define diversity? How will we measure it? What are our current strengths? What are the greatest challenges facing us?
- Focus on the process. Define goals, develop strategies, implement and evaluate strategies, and revise strategies as needed.
- Mentoring is a two-way street. Constant interaction is needed.
- Choose consultants carefully. Look for qualifications, experience, references, pricing structure, and the right fit.

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