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Diversity As a Differentiator in the Legal Profession


One aspect of law firms that is becoming increasingly of interest to clients — and an area that might offer opportunities for differentiation — is law firm commitment to increasing and sustaining diversity.

BY JOHN J. BUCHANAN
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Let's face it — most lawyers and law firms all do the same thing (handle complex legal issues for clients) and a lot of them look the same and sound the same (unfortunately). So, how do you differentiate your firm? There are dozens of ways you can do this — through practice, industry or geographic focus, for example — but one aspect of law firms that is becoming increasingly of interest to clients — and an area that might offer opportunities for differentiation — is law firm commitment to increasing and sustaining diversity.

Diversity and Inclusion: The New Buzzwords

Diversity and inclusion seem to be the major buzzwords at law firms these days. Every day, there is yet another article or news item about firms implementing the Mansfield Rule (which requires 30% of a firm's leadership candidates to be minorities and women) being implemented at firms, or the impact of ABA Resolution 113 that "urges all providers of legal services, including law firms and corporations, to expand and create opportunities at all levels of responsibility for diverse attorneys."

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BY ERIN MULVANEY

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The U.S. Court of Appeals for the Ninth Circuit ruled on April 9 that salary history cannot be used to justify a wage gap between men

The legal media haven't only amped up coverage of law firm diversity, but they've increased the variety of topics as well. Even the mainstream media is getting in on the action, e.g.: "Facebook Pushes Outside Law Firms to Become More Diverse," *The New York Times*, April 2, 2017).

So, with all this attention and focus on diversity, how do you best communicate your commitment to diversity and inclusion externally and how can you effectively differentiate your firm that way?

Diversity and the Media

- When looking at your spokespeople, make sure you have a diverse pool. It's easy just to pick the most senior, most



and women, in a case that employee advocates said highlights a key issue that has institutionalized gender compensation inequities.

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experienced attorneys to be spokespeople — but, for better or worse, those attorneys often end up being older white men.

- Promote any diversity awards/rankings/etc. While the media won't generally publicize awards you receive, you can easily craft a "press release" for posting on your website that will appear in Google searches.
- Identify the right spokesperson at your firm for diversity and inclusion. Some firms (such as Reed Smith) have a Global Chair,

Diversity & Inclusion, who acts as the firm's go-to spokesperson on all diversity and inclusion inquiries. It also helps to have spokespeople located in different geographical locations, as they can speak to the specific issues of their regions.

- Encourage your diverse attorneys to write articles and op-eds — especially those who describe their own personal experience and journey being a diverse attorney.
- Make sure you know and connect with the various outlets that cover legal industry diversity and diversity, in general. Some of those publications include: 1) *Profiles in Diversity Journal*: <http://bit.ly/2ujj615>; 2) *MCCA Diversity & the Bar*: <http://bit.ly/2uiVhjr>; 3) *Diversity, Inc.*: <http://bit.ly/2tNXvng>; 4) *Minority Business News*: <http://mbnusa.biz/>; and 5) *WILEF (Women in Law Empowerment Forum) Tribune*: <http://wileftribune.com/>.

Collaborating with HR and Recruiting

1. Suggest that Human Resources (HR) be proactive in encouraging attorneys to self-identify as diverse. Some HR professionals are concerned about pushing people too hard to identify as diverse but the better demographics a firm has (and shares), the more accurate the industry demographics (which are getting better, but are still somewhat pathetic)

2. Ensure that you (Marketing) and HR stay abreast of the real numbers and demographics. Many law firm diversity rankings are based solely on numbers, so it's important that you have up-to-date, accurate numbers of your diverse attorneys.

3. Team up with Recruiting to make sure they have the right materials (like an "annual review," for example; see below) for recruiting diverse attorneys. Reprints of articles focused on diversity in which your firm/attorneys appear can also be powerful tools.

Digital Differentiation

1. Make sure that the diversity section of your website is front-and-center and easy to find. Don't let it get buried somewhere because a website consultant tells you that you need to limit your main navigation topics. Clients (and recruits) who want to know about your diversity want to access information about diversity at your firm quickly. Don't make them hunt for it.

2. An "annual review" featuring your firm's diversity accomplishments is a great way to share your successes and accomplishments, and having both a print and digital version allows you to share it through multiple platforms.

3. Producing video profiles is a great way for diverse attorneys to share their own experiences, and can be powerful tools in recruiting and client development. They are also great for posting on your website and for sharing on social media (SM).

4. Work with your SM team to ensure that your diversity news and accomplishments are shared on all of the firm's active platforms. Instagram and Facebook are ideal platforms for promoting your D&I initiatives and successes. Few law firms use Instagram — so using it to highlight your diversity successes could be a real differentiator.

5. Creating a blog focused on law firm diversity can give the opportunity to talk about all the great things your firm is doing — and also to participate in the broader conversation about diversity in the legal profession.

Other Ideas

1. Diversity Scholarships for Law School Students: This is a great way to help increase the pool of diverse law school graduates, and also give you the opportunity to meet some of the best and brightest (some of whom might make great summer associates — and permanent associates later on.).

2. Diversity Awards: To encourage the mentoring of young diverse associates, consider establishing an internal award that recognizes an attorney for his or her contribution to mentoring diverse associates.

Other Sources

There are plenty of organizations and consultants that can help with your diversity and inclusion initiatives: 1) Diversity Lab: <http://bit.ly/2tx0H2t>: One of the best and most progressive legal industry diversity organizations known. Founder and CEO Caren Ulrich Stacy is a true visionary. 2) Minority Corporate Counsel Association: <https://www.mcca.com>, one of the oldest national organizations dedicated to legal industry diversity (established in 1997). 3) California Minority Counsel Program: <http://www.cmcp.org/>: Formed in 1989 in response to the disparity between the percentage of minorities in California's population and legal profession. 4) The Institute for Inclusion in the Legal Profession: <http://www.theiilp.com/>: focused on "comprehensive outreach and original programming to replace barriers with bridges between legal, judicial, professional, educational and governmental institution." 5) Ida Abbot Consulting: <http://bit.ly/2uQK8bd>: Ida is one of the "originals" in law firm gender diversity.

Conclusion

Whatever you do in connection with diversity and inclusion, 1) Remember that increasing diversity in the legal profession is not only a good thing to do, it's the right thing to do. 2) Clients will continue to focus on ensuring their outside law firms are diverse — as well as the teams working on their matters. 3) Make sure you communicate your good work through as many channels as possible. Don't be shy about tooting your own horn. What you are doing vis á vis diversity and inclusion may challenge someone else to do the same — or more.

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