

Going “All-In” on Diversity and Inclusion

BY KATHLEEN NALTY

“Kathleen Nalty’s article about leadership buy-in as a requisite to move beyond cosmetic diversity and inclusion in the legal profession is a must-read. Kathleen presented critical information reflecting this theme and shared action steps during the CMBA Diversity and Inclusion Committee’s workshop in March 2014 held at the Aloft Hotel. This article will be a blueprint for all legal leadership and those interested in action steps necessary to affect measurable change in this area.”

Sonali B. Wilson, CMBA Vice President for Diversity and Inclusion and Diane Citrino, Co-Chair, CMBA 2014 Diversity and Inclusion Workshop

For years, law firms invested in traditional diversity programs and many have recently added inclusiveness to the mix. Yet law firms consistently experience higher attrition rates for attorneys in underrepresented groups. Lack of results has caused a great deal of frustration, especially since leaders believe their firms have been doing all of the “right things” (and some are winning awards for their programs).

The missing piece, it turns out, is leaders themselves. Law firms may have added inclusiveness to their diversity efforts but leaders continue to do what they have always done — treated the diversity and inclusion initiative as a separate, stand-alone program to be managed by others in the firm. Leaders have not understood that inclusion underlies every aspect of the firm and, as with any other change initiative, active leadership is required to achieve meaningful results.

Forward-thinking leaders now know that a focus on recruiting and hiring is only half of the equation; law firms must also work to retain, develop, and advance attorneys in underrepresented groups in order to produce sustainable diversity. Since

retention, development, and advancement efforts implicate all systems and procedures in the organization, active involvement by leaders is essential and responsibility can’t be delegated.

Knowledgeable law firm leaders are also changing their view of diversity — from a “problem” to be managed to an *opportunity* that can be leveraged for better business outcomes and client service. Maximizing human capital assets to make the firm more financially productive is only one optimal outcome. Leveraging everyone’s strengths to be more innovative — not only in solving serious post-recession business challenges, but also to provide better client service — can be a deciding factor in gaining a competitive advantage in today’s economy.

Uncovering the reasons for higher attrition among underrepresented groups is at the core of any inclusiveness initiative. According to several national research studies,¹ there are hidden barriers to success for female, LGBTQ, disabled, and racially/ethnically diverse attorneys in most legal organizations. These groups are disproportionately excluded from opportunities that are often intangible but critically important in any lawyer’s

career development. Hard work and technical skill are the foundation of career progress, but without these intangible opportunities, attorneys simply cannot advance in their firms.

According to the research studies, these opportunities are shared unevenly by people in positions of power and influence, often without realizing that certain groups are disproportionately excluded, which causes them to remain on the margins in the firm. Specifically, the research reveals that female, LGBTQ, disabled, and racially/ethnically diverse attorneys have less access to:

- Networking — informal and formal
- Internal information or intelligence
- Access to decision-makers
- Mentors and sponsors
- Meaningful work assignments
- Candid and frequent feedback
- Social integration
- Training and development
- Client contact
- Promotions

The studies all point to bias as the major cause of these hidden barriers. Certainly, discrimination still exists and contributes to this dynamic. But it turns out that a specific kind of unconscious bias plays the biggest role. Affinity bias, which is a bias for others who are more like you, causes people to develop deeper work relationships with those who have similar identities, interests, and backgrounds. When senior attorneys gravitate toward and share opportunities with others who are like themselves, they (mostly unwittingly) leave female, LGBTQ, disabled, and racially/ethnically diverse attorneys out.

Unlike traditional diversity efforts, inclusiveness initiatives require firm leaders to go “All-In,” meaning a full commitment plus action to examine and address all aspects of the firm to uncover hidden barriers to success for attorneys, especially those in underrepresented groups.

The process begins with leadership taking personal responsibility for leading the firm on D+I. If leaders (including firm/office management and practice group leaders) are not fully committed to making the necessary structural, cultural, and behavioral changes, an inclusiveness initiative will never have any meaningful impact.

Once leaders understand and invest in the change initiative (“My-In”), they can foster buy-in throughout the firm by modeling inclusive behaviors, adopting diversity- and inclusiveness-related competencies, and empowering individuals, departments, and teams to address hidden barriers through D+I action plans (“Buy-In”).

The ultimate goal is to make systemic, organizational changes that embed diversity and inclusion throughout every aspect of the firm (“Tie-In”) and make it part of the DNA of the organization.

Leader commitment and verbal support of change efforts is not enough. As with any change initiative, law firms need the full engagement of senior leaders to shape and execute diversity and inclusion strategies. While all leaders must be actively involved, since white men still hold a majority of senior leadership positions in law firms, it is particularly important for white male leaders to step up as allies and champions to create inclusive work environments.

Inclusive behaviors, endorsed and modeled by law firm leaders, “unlock” the diversity in the organization, allowing the full potential of the firm and its diverse composition to be brought to bear on driving greater levels of organizational performance. Going “all-in” is the only way to achieve genuine success in diversity and inclusion efforts.



Kathleen Nalty is an expert in diversity and inclusiveness in the legal industry, speaking across the country. Kathleen presented workshops on diversity and inclusion for the Cleveland Metropolitan Bar Association in 2012 and 2014. She is currently writing a book entitled “Going All-In on Diversity & Inclusion: The Law Firm Leader’s Playbook.” She is President of her own consulting group — Kathleen Nalty Consulting — and can be reached at kathleen@kathleennaltyconsulting.com or (303) 770-2563.

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