

# The Legal Intelligencer

THE OLDEST LAW JOURNAL IN THE UNITED STATES

## COMMENTARY

ALM

### Taking a Look at Law Firm Diversity Beyond the Numbers

BY ILENE WASSERMAN

Special to the Legal

In the past couple of decades, the focus on workplace diversity has made a rapid migration from the periphery of the radar screen, to near the top of corporate America's agenda. This increasing focus on diversity has brought with it some positive changes, while at the same time, left all kinds of organizations wondering how to create cultures that effectively value diversity and foster inclusion. Law firms are no exception.

The good news is that the concept of valuing diversity has become a generally accepted one. Few question the need for diversity. Indeed, the numbers speak for themselves. According to the National Association for Law Placement (NALP), attorneys of color account for a mere 4.3 percent of the partners in the nation's major law firms and women account for only 17.29 percent of the partners in these firms. Even when accounting for all levels, representation of these groups in the legal profession as a whole is significantly lower than in most other professions.

What is perhaps more troubling than these numbers is that, in recent years, amidst increased and concerted efforts to address historic inequities, the steady increases in representation of men and women of color that once typified the legal profession have stagnated. Research from the American Bar Association's Commission on Racial and Ethnic Diversity in the Profession confirms that the growth in "minority" law school enrollment, which had been steady since 1985, ended in the mid-1990s, and has yet to pick up again.

The stagnation in representation of men and women of color more than any other statistic about diversity in law firms begs

**ILENE WASSERMAN** is founding member of ICW Consulting Group. Wasserman counsels both for-profit and nonprofit organizations in creating and sustaining diverse and inclusive workplace cultures.

the question, "why, with all of the recognition that the value of diversity is receiving, are growth rates slowing?" With diversity, managers in law firms, and an abundance of articles on the topic of how to improve law firm diversity, what is inhibiting progress?

Typically, factors that can be quantified such as mentorship programs, recruitment efforts to targeted groups, and retention rates receive more attention than efforts that address creating and sustaining cultures that champion the acceptance, valuing and embracing of differences. While quantifiable measures are vital, they can be misleading or even achieve results that undercut what they were intended to accomplish if they're not rooted and supported by a strong culture that values diversity.

Creating and sustaining diverse workplaces is a complex process. Rather than meeting numbers, valuing diversity is a mindset and a skill-set that needs to pervade all aspects of the life of the firm. Further, the same skills that bring life to a diverse culture, also foster performance and the quality of service clients receive. While there are many paths to take in building that spirit, the following are key points to consider:

- Make a commitment from the top and engage people throughout the firm.
- Create a clear and compelling business case for fostering diversity and supporting an inclusive culture. Invite the voices of multiple stakeholders within and outside your firm to design and create the firm's future and in determine how to get there.

• Clearly define diversity's role in your firm's vision and mission.

Change at the individual, group and organizational level is motivated by clear, positive images of what is possible; a compelling vision that is propelled by how people talk about, live and interact in their day-to-day lives. An inspiring vision that supports your mission provides your firm the inspiration and endurance it will need to forge ahead.

• Honor what exists. One of the keys to any culture change process is building on what works. There are instances and examples in every culture of thriving and inspiring partnerships across differences. Encouraging people to build on their own successes in new and creative ways is key to the success of any firm's initiatives.

- Broaden the definition of diversity. While we often think of diversity in terms of race and gender, policies or actions need to address different types of diversity, including ethnicity, religion and sexual orientation as well as personal and positional dimensions.

• Open channels of communication. It is critical to have ongoing rituals, processes and structures that reinforce the process and the principles of diversity and inclusion. Take proactive steps, such as incorporating diversity as part of your firm's core values, dedicate time for staff retreats and small group discussions on what it means to address all aspects of firm life with a spirit of diversity. These are just some examples of such activities.

There's no question that there's been much progress in addressing issues of diversity in law firms, and that there is progress to be made. The key to continued advances begins with a commitment to the continuous process of maintaining a culture where diversity can flourish and inclusion is the norm. •