

**MANAGING PARTNER
& ATTORNEY TOOLKITS:**

**Fostering a Diverse
and Inclusive Work
Environment**





**Managing Partners' ToolKit:
Fostering a Diverse and Inclusive Work Environment**

*Drafted by the
Committee to Enhance Diversity in the Profession, Retention & Sponsorship Task Force
January 2016*

At the last Managing Partners' Roundtable held during the City Bar's diversity and inclusion CLE program in June 2015, managing partners requested a one to two page list of takeaways or tools they could implement to enhance the diversity and inclusiveness of their firms. Below is a list of those tools ranging from basic steps that can be taken on a day to day basis to more involved steps that require planning and attention like annual unconscious bias trainings and mentorship/sponsorship programs. The list also includes resources that discuss issues related to diversity and inclusion and reasons why diversity and inclusion matter. We hope these tools will be useful to managing partners' efforts to strengthen the diversity and inclusiveness of their firms.

- I. Inclusion Strategies
 - A. Basic Tools - these strategies are often overlooked as obvious, but can have a tremendous impact on the inclusiveness of a firm
 1. Consider what it might be like to be in the numeric minority and help diverse attorneys navigate firm culture
 - a) Invite diverse attorneys to lunch/coffee
 - b) Sit next to diverse attorneys at a meeting
 - c) Say hello – simply saying hello can spark conversation that interrupts biases and misperceptions
 2. Do not rely on the grapevine-form your own opinions about associates
 - a) Find ways to put associates at ease and let them know you believe in their capacity to succeed
 - b) When mistakes occur, share your own experiences of stumbling or overcoming a challenge in your career at the firm
 - c) Make an effort to give timely, constructive feedback to everyone, especially diverse associates
 3. Give associates a second chance to work with you
 4. Share your desire to increase diversity and inclusion regularly to set a "Tone from the Top"
 5. Create "fail safes" in the system
 - a) Rotate office house work (taking notes, planning parties) so that no one group is disproportionately doing the "low value" work
 - b) Institute practice of examining the full list of eligible associates by level rather than just who is top of mind

- c) Create explicit role for someone to speak up for implicit bias in written evaluations and in discussions – rotate this responsibility
 - B. Mentorship/Sponsorship Tools
 - 1. Mentor/Sponsor people who are not like you
 - 2. Staff associates whose names may be more difficult to pronounce
 - 3. Invite diverse attorneys to sit in on conference calls, client meetings, professional meetings
 - 4. Pay attention to the demographics of associates working on your matter
 - 5. Add at least one new associate to your pool of “go to” associates
 - 6. When giving assignments, be careful to explain what you want, don’t assume the associate knows what you know
 - 7. Encourage the associate to return with follow-up questions or identify a more senior associate that can serve as a resource
 - 8. Tie compensation to formal mentoring/sponsorship program
 - C. Training Tools – we can train ourselves to notice and interrupt implicit bias
 - 1. Hold annual or bi-annual unconscious bias or diversity and inclusion trainings
Use Diversity and Inclusion professionals to develop infrastructure to address unconscious bias
 - 2. Review resources to understand why bias exists and the current reality in the legal profession and share with management of the firm
- II. Studies/Literature of Interest
 - A. Harvard’s IAT
<https://implicit.harvard.edu/implicit/takeatest.html>
 - B. Written in Black and White: Exploring Confirmation Bias in Racialized Perceptions of Writing Skills (Nextions Research Study)
http://www.nextions.com/wp-content/files_mf/14468226472014040114WritteninBlackandWhiteYPS.pdf
 - C. Recruitment (University of Chicago Resume Study)
<http://www.chicagobooth.edu/capideas/spring03/racialbias.html>
 - D. Implicit Bias in the Courtroom (Jerry Kang UCLA study)
<http://faculty.washington.edu/agg/pdf/Kang&al.ImplicitBias.UCLALawRev.2012.pdf>
 - E. Mansplaining, Maninterrupting & Bropropriating: Gender Bias and the Pervasive Interruption of Women (New Nextions Research Study)
<http://www.nextions.com/library/articles-research-studies/yellow-paper-series-mansplaining-maninterrupting-bropropriating-gender-bias-and-the-pervasive-interruption-of-women-nextions-original-research-042015/>
- III. Motivation for Change
 - A. Inclusion creates diversity, which inspire innovation, and law firms need innovation now more than ever
 - B. Creative thinking and innovative solutions arise from diversity of perception and thinking
 - C. The best way to create the most complete analysis of these perceptions and make the best decisions is with a lot of different thinkers



**Attorney ToolKit:
Fostering a Diverse and Inclusive Work Environment**

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January 2016*

Our goal is for attorneys to define what “success” means to them and be empowered to achieve the competence, credibility and confidence that will ultimately lead to such success. The steps and resources outlined below provide a framework for attorneys, particularly more junior attorneys, to be strategic about their careers. These tools are by no means limited to diverse attorneys. We acknowledge, however, that persons from traditionally underrepresented backgrounds in legal organizations may face a unique set of challenges that requires them to be all the more deliberate about their professional development. We hope this toolkit serves as a resource to individual attorneys and through their empowerment contributes to the advancement of diversity and inclusion in the legal profession.

1. Steps to Fortifying Your Success
 - A. Position yourself to be mentored and sponsored.
 - i. Build your brand.
 - (1) Producing stellar work product is a must. Work product must be accurate, succinct and performed in a timely manner.
 - (2) Be enthusiastic about your work and assignments.
 - (3) Speak up and ask for assignments that are of interest and will increase your skillset. As a junior attorney, you may be in a position to ask to observe proceedings, client meetings and strategy sessions.
 - (4) Ensure that your contributions are noticed. Identify ways to keep the senior attorneys with whom you work aware of your achievements.
 - (5) If you make a mistake, promptly acknowledge your mistake and, when practical, be prepared to offer potential solutions.
 - (6) Understand that your outside work activities can reflect either positively or negatively on both you and your organization’s

brands. When using social media do not post inappropriate comments or other items that can be interpreted negatively.

- ii. Build relationships.
 - (1) Step outside of your comfort zone. Your mentors and sponsors need not look like you.
 - (2) Recognize that even senior attorneys may experience discomfort around difference. Expressing interest in their work, and potentially even outside interests, helps to breakdown any perceived or real barriers.
 - (3) Network. Attend a range of work-related events. While building relationships with those who share similar backgrounds with you is reaffirming and beneficial, be mindful to cultivate relationships with individuals whose gender, race, sexual orientation, etc. may be different than your own.
 - (4) Be a good citizen. Consider taking roles on committees, particularly committees that involve senior attorneys, while ensuring that such involvement does not negatively affect your ability to provide stellar work product. Also consider assisting with recruiting, CLE presentations and client alerts.
 - (5) Get to know people outside of your practice group. The more people advocating for you in your organization, the better.
- iii. Recognize that those influential persons who can sponsor you are looking for loyal, high-performing attorneys who can add value through their work product and perspective. In return these sponsors will advocate for you, provide space for you to take risks and help position you to advance.

B. Become culturally competent.

- i. Understand organizational culture and the unwritten rules. Identify those competencies and qualities that are valued by your organization. Listen to the terms senior attorneys use to describe well-regarded junior attorneys. Speak with diversity professionals, senior attorneys and others at your organization to determine core qualities.
- ii. Make informed decisions about code switching versus covering/ assimilating. Code switching, such as adjusting your handshake or pace of speech, may enable you to conform to professional etiquette. On the other hand, covering may result in your hiding or denying a meaningful part of your identity. By assessing how your personality traits and characteristics align with those of your organization, you can then

determine how best to maintain your “authenticity” while exhibiting the qualities that are valued by your organization.

- iii. Understand the biases you may face and “interrupt” them. For example, prior to starting child care leave, consider meeting with the attorneys with whom you work and expressing your expectation and enthusiasm that you will return to work and continue to meaningfully contribute.

C. Invest in your professional development.

- i. Develop an individual development plan and regularly assess where you stand.
- ii. Create an atmosphere that encourages others to give feedback to you.
 - (1) Ask for candid feedback in real time. You want to avoid only receiving feedback at your annual review.
 - (2) When receiving constructive feedback: listen openly, ask questions to clarify, circle back at a later time if appropriate and incorporate the feedback into your work.
 - (3) Do not get defensive. Take the opportunity to learn as much as you can.
- iii. Stay abreast of developments that impact your clients and your practice. It is easy to focus solely on your day-to-day work, but expanding your view can bring additional knowledge and fulfillment. Utilize “Google Alerts” or other similar tools to help you stay apprised of relevant developments.
- iv. Continually focus on skill development. When work allows, attend bar association and other substantive conferences, as well as CLEs outside of your organization. Take on *pro bono* work that enhances your skills.
- v. Become involved in external organizations, such as bar association committees. Not only will you have opportunities to meet others outside of your organization, but also you will likely gain leadership experience and skillsets that will add value to your work. Be intentional about leveraging the experience and knowledge of your external network.
- vi. Be resilient. Despite your best efforts, times may arise when you feel that your professional development—including others’ investment in your career—is not progressing as you would like. During these times it is imperative that you are resilient and remain engaged. Consider speaking with the diversity professional or other talent management professional at your organization to assess your overall career goals.

You may be able to rectify the situation and advance at your current organization or, if not, a deliberate career move may be in order.

- D. Recognize your role in shaping others' experiences.
 - i. Speak up for others when appropriate. Whether that means giving them credit when due or calling to others' attention when you see bias.
 - ii. Mentor others. Everyone can be a mentor. Mentoring others allows you to give back and with all likelihood you will also receive insight from those you mentor, and further solidify your own substantive knowledge by communicating it to others.
 - iii. Share your experiences with others so that they may learn and receive the benefit of your perspective.
2. Suggested Readings
- A. ABA Commission on Women in the Profession, *The Grit Project Program Toolkit: Using Grit and Growth Mindset to Advance Women in the Law*, www.ambar.org/grit (2014).
 - B. Association of Law Firm Diversity Professionals and Corporate Counsel Women of Color, *Associate Individual Development Plan*, <http://bit.ly/2eAYQHu> (2011).
 - C. Elaine Meryl Brown, Marsha Haygood and Rhonda Joy McLean, *The Little Black Book of Success: Laws of Leadership for Black Women*, One World/Ballantine Books, 2010.
 - D. Cultural Competence: An Essential Skill for Success in an Increasingly Diverse World, http://www.practicepro.ca/lawpromag/Cultural_Compentence_Bhasin.pdf.
 - E. Carla A. Harris, *Expect to Win: 10 Proven Strategies for Thriving in the Workplace*, Plume, 2010.
 - F. Sylvia Ann Hewlett, *Forget a Mentor, Find a Sponsor: The New Way to Fast-Track Your Career*, Harvard Business Review Press, 2013.
 - G. Cecilia B. Loving, *Enlarge Your Territory*, New York Law Journal Magazine, April 2004.
 - H. Maria Popova, *Fixed vs. Growth: The Two Basic Mindsets that Shape Our Lives*, <https://www.brainpickings.org/2014/01/29/carol-dweck-mindset> (January 29, 2014).
 - I. Claude M. Steele, *Whistling Vivaldi: How Stereotypes Affect Us and What We Can Do*, W.W. Norton & Company, 2010.

- J. David A. Thomas and John J. Gabarro, *Breaking Through: The Making of Minority Executives in Corporate America*, Harvard Business School Press, 1999.
- K. Joan C. Williams and Rachel Dempsey, *What Works for Women at Work: Four Patterns Working Women Need to Know*, New York University Press, 2014.