





BY MARY FARRELL ROBINSON

# inclusion

is not just **black & white**

## How Expanding Your Diversity Efforts Beyond Race Will Empower Your Firm

With an increasingly diverse population in both our workplaces and among our clients, our concept of diversity must become increasingly expansive. However, we're not talking about race and only race here. While our workforce is increasingly non-white and it is vital to continue to develop and improve racial diversity at our law firms, our diversity programs cannot address racial issues only.

In fact, a "race only" approach to diversity work could *weaken* diversity initiatives by excluding potential diversity-program champions. First, let's discuss what diversity can mean to you and to your firm.

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## THE INCLUSION FACTOR

At the Association of Legal Administrators (ALA), we acknowledge that “the differences -- in effect, the diversities -- among us actually are reflected in a number of ways: race, religion, gender, sexual orientation, disability and cultural behaviors.” In other words, diversity comprises so much more than race. In the book *Implementing Diversity*, consultant Marilyn Loden defines diversity by separating it into primary and secondary dimensions. The first set of dimensions Loden discusses are:

- Age
- Ethnicity
- Gender
- Mental/physical abilities and characteristics
- Race
- Sexual orientation

She defines secondary dimensions of diversity as:

- Communication styles
- Education
- Family status
- Military experience
- Organizational level
- Religion
- First language
- Income
- Work style
- Work experience

By minimizing the significance of any of these dimensions in your organization’s diversity program, you risk alienating people who can make your firm a richer, more successful workplace. Avoiding any of these topics completely also does a disservice to your firm. Diversity committees and initiatives are a great venue to discuss these topics. No one focuses on only one issue in his or her life. We all fit in a variety of demographics and are all perceived, for good or bad, as more than just one “label.” A program on religious tolerance or one discussing the challenges of English as a second language in the legal profession may appeal to both attorneys of color and to white attorneys. It’s about diversity, just not race.

## RACE AS A LIMITING FACTOR

I can’t tell you how many conversations about diversity and inclusion I’ve had with professionals

over the years in both my capacity as a member of ALA’s Committee on Diversity as well as in my role as Director of Human Resources at Duane Morris LLP, an international law firm. These conversations occur almost on a daily basis. Most of them have been enlightening, educational and even inspirational. We are so fortunate to have such an interesting and, yes, diverse group of professionals working on these issues.

Occasionally, I witness old fears and stereotypes about race and diversity that we like to think went the way of the dinosaur. Just recently, I was speaking to a fellow professional in the legal industry, an educated person who insisted that issues of race were neither a problem at his firm — which is predominantly white — nor at the minority-owned firms in his city that are predominantly black. He was not a fan of diversity programs, because diversity did not show up on his radar. He simply does not think there is a racial problem at his firm or within the industry in his city. He was not interested in digging any deeper. He was stuck.

Let’s put the apparent ignorance of his statements about race aside for the purposes of this article so that we can look at this in another way. We know there is not an ALA chapter that does not have to consider issues of race. But how many individuals in our industry believe that it is a non-issue or are simply not motivated to participate in their firms’ diversity efforts, perhaps because they do not know how diversity impacts them?

Could these individuals benefit from programming focused on ageism; language barriers; cross-cultural differences; general communication skills workshops and a whole range of other panels, seminar discussions and activities? Of course. In a matter of time, they will connect with someone on your diversity committee. Just one or two connections can change someone’s perspective and result in a new champion for your diversity committee.

## BRINGING THEM TO THE TABLE

Do we want to bring people to the table those who are not necessarily motivated to talk about racial issues? Yes, we do. The more minds we have working to better our firms’ policies, the better. People who are interested in talking about issues

other than race bring new perspectives to our dialogues and an opportunity for consciousness-raising. Most people can't participate in a diversity program (even if it's not focused on race) without surfacing some consciousness-raising about race.

Of course, it's essential to have the right forum for discussion. Do not invite a "race" versus "ageism" or "race" versus "culture" conversation for the sake of debate. There's no need for an either/or discussion. Pick your topics, select an appropriate forum with the right moderator and then discuss issues in an open and informed way. Ask a relatively new hire to participate in a leadership role or give a presentation. Make everyone feel "heard" from their first committee experience, and you will win supporters for the long term.

#### GETTING YOUR FIRM ENGAGED

An excellent way to engage your attorneys and staff in diversity programming is to hold a diversity retreat. The mix of educational programming and social activity, held over the course of a day or

two, can bring people into the group who normally might not feel comfortable addressing diversity.

My firm, for example, holds an annual diversity retreat in spring. Minority associates from across the United States, as well as firm leadership (minority or not), attend the annual Duane Morris Diversity Retreat to learn from minority partners and firm leadership and share their experiences at the firm. Programming at this popular event includes roundtable discussions of retention issues, Q&A sessions on matters that affect minority attorneys and panels on marketing and business development strategies. We bring in guest speakers, which have included Mayda Prego, Senior Counsel, Chevron Corporation's Global Downstream/Latin America & Caribbean Regional Unit; and Norma Romero-Mitchell, President of Benefits Plus Consulting Group, Inc. The inclusive guest list always generates interesting conversation. The attendees have responded with overwhelmingly positive feedback. These successful events have become a regular part of Duane Morris' diversity programming.



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At Shook Hardy & Bacon (SHB), the firm gives all of its attorneys an 80-item individual action/commitment checklist. All attorneys at the firm are responsible for completing five to 10 action items from the checklist each year – this is included as part of their performance review under the area of “firm citizenship,” along with pro bono work, mentoring, etc. Shook Hardy gets 99 percent participation among firm attorneys on their individual action/commitment checklist, and 40 percent of attorneys complete 10 or more action items.

Here are a few examples from the Shook Hardy list that demonstrate the importance of inclusiveness – and there is something in it for everyone.

- Develop a mentoring relationship with an attorney diverse from you – someone of a different gender, race, ethnicity or sexual orientation.
- Use inclusive terms, such as “guest” or “partner,” rather than “spouse” on invitations to events.
- Review, understand and be able to communicate effectively SHB’s Alternative Work Schedule policy and Parental Leave policy.
- Read a book written by an author of a different race, gender, ethnicity or sexual orientation (e.g., *Outliers* by Malcolm Gladwell or *Yellow* by Frank Wu).
- Attend a movie or play that focuses on a diverse personality or event.

### CHECK YOURSELF

Soon after this article goes to press, I will have had the pleasure of moderating an ALA panel on how to build a successful inclusive diversity program. I asked my presenters to consider the following questions. These same questions may help you check that your initiatives leave out no potential participant, volunteer or champion:

- What are the most challenging stereotypes and/or preconceived biases both consciously and unconsciously about other people that hinder open communication?
- Because the population is growing more diverse, our offices are challenged to promote inclusion among many constituencies. What has your firm/corporation done to encourage inclusion?
- What do you think are the hallmarks of an organization that promotes diversity in the workplace?

- What would you recommend to a law firm or legal department to get started on a diversity committee?

As workforce populations become more diverse, the marketplace is bringing us into contact with clients and vendors from different countries and cultures. One way we can prepare to manage the diverse needs of our new clients is to address diversity within our own organizations. What do you think is the most important duty of a diversity committee?

Corporate counsel organizations are pushing for diversity. In March 2008, a Call to Action Summit was held for law firm managing partners and corporate general counsels to focus on taking action on diversity within the legal profession. Have you seen a difference?

Diversity creates a stronger workforce. A diverse workforce and climate enable employers to tap into a diverse talent pool/knowledge base and make full use of contributions from all employees. A successful organization leverages the differences in employees and allows employees to attain their full potential. Can you share an example of strength in your organization as a result of multiple perspectives?

Diversity training is designed to increase awareness of the diversity of the organization’s workforce, the impact of exclusion and insensitivity, the need for inclusion, mentoring and sponsorship, and recognition of our own biases. Does training help? Can you talk about a training program that made a difference at your organization?

Whether you are in charge of developing programming for your firm’s diversity committee, organizing a retreat or event or are just interested in these issues, consider how widening your audience can strengthen your cause. \*

### about the author



A member of ALA, **Mary Farrell Robinson** serves as the Director of Human Resources at Duane Morris LLP and is a member of ALA’s Committee on Diversity.

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