

State of diversity: 'I think we're ready for a leap to another level'

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By Amanda Robert

After tackling the issue of globalization in *Chicago Lawyer's* June issue, several large law firm leaders met this month to talk about diversity in the second in a series of three roundtable discussions.

Michael Morkin, managing partner of the Chicago office of Baker & McKenzie; **Linda Myers**, a member of the 15-member global management committee of Kirkland & Ellis; and **Charles Douglas**, chairman of the management committee of Sidley Austin, outlined the steps their firms take to encourage diversity among partners and associates, the importance of considering diversity when staffing client matters and the need to further promote diversity within the law profession in the future.

Here is a portion of their discussion:

Chicago Lawyer: We've all heard a lot about the importance of diversity and inclusion — what do these buzz words mean to you and your firm?

Myers, from Kirkland & Ellis: Diversity, I think, means a rich and varied talent pool. I would say staff and attorneys, kind of the whole kit and kaboodle.

Different perspectives. Different walks of life. Different opinions. Different life experiences.

Inclusion, I think, means essentially making sure when you're tackling anything, any task, any decision, you're including bringing together that diversity that you have hopefully created.

Douglas, from Sidley Austin: We just had a consultant come and speak at our annual meeting to the practice area team leaders, which is a group of about 125 of the senior-most partners, to talk a little bit more about diversity.



The point she made is that, as Linda indicates, diversity is a broad group of different perspectives that you want to have for all of the obvious reasons in the firm.

The point she made about inclusion is that it is a way in which you help promote diversity, because by including your diverse lawyers in the firm, in the projects, in the client mix, in the client representation, you will help them succeed. ...

Morkin, from Baker & McKenzie: I think that's right. I think inclusion is really the next step in the necessary progression.

Inclusion is a relatively new word in this space. We have been talking diversity for a long time and inclusion, to us, really is about the environment. You can have a diverse population, but if you don't have an environment that is inclusive, you're not going to keep that diverse population, you're not going to get the benefits of the diverse population.

Inclusion is sort of the next step. OK, you focused on diversity, but is your environment one in which you're able to get the most out of your diverse, talented pool of lawyers and staff?

Myers: It's the retention piece. If you sort of think about your efforts to make your large law firm more diverse, there is obviously the recruiting side, attracting new lawyers or new staff or lateral people who are diverse to your mix, but then keeping them. If you don't have an inclusive environment, why would they stay?

Douglas: I think law firms are probably all dealing with the same challenge. At least from our perspective, we are doing very well with respect to recruiting, with respect to diversity. Our summer class that has just arrived, a little over a third of them are diverse, which we're quite proud of.

The challenge is retaining all of them, which means you have to find ways to allow them to succeed. I think on the retention front, law firms are facing more challenges than they are even on the recruiting front. Inclusion is a very important part, as Linda just indicated, of how we hope we'll succeed on that front.

That was part of what the consultant's pitch was — you really need to be focusing more on inclusion today if your challenge really is in retention after you have succeeded with respect to recruiting.

C.L.: As the leader of a large law firm, how big of a role do you play in hiring minority and female lawyers?

Myers: Huge. I think if your management is not committed to diversity, and it's not part of all of the decision-making ... it's the sort of thing where you shouldn't be taking it out of a box when it's convenient.

It should just be sort of permeating everything you're doing, every decision you're making, every policy you're putting in place, the hiring and retention-type efforts you're doing. So, if it's not

coming from the top, at least in my view, nobody else is going to be following along. There will be people who will want to be involved, but it's really gotta be a message that's permeating throughout the firm.

Morkin: It affects everything you do. It affects who is on your management committee. If you are not living diversity as a manager in how you approach various teams, client teams, firm bodies, the message doesn't get out to everybody else. It's not credible.

Myers: Chuck, I'm interested in who you hired for a consultant, if you don't mind sharing.

Douglas: Yeah, it was Arin Reeves. She is very good. It was very interesting. She's a very engaging personality to begin with and when you put her into a room with 125 fairly senior lawyers, all of whom think they probably know more than any of the rest of us, know about how to manage a law firm, it's a fairly daunting task. ...

We only get the partners together physically once a year ... we had her come down to Orlando and speak to the practice area team leaders. We had her come to a luncheon senior management has with all of our diverse partners while we're there. It was a good investment to have her come. I highly recommend her.

C.L.: Why is it important to staff client matters with diverse lawyers?

Douglas: Well, for all of the reasons that diversity in general is important. You want to bring to the solution of any problem a number of different perspectives. Diversity is critical to being able to do that.

Depending upon your area of practice, for instance, mine is litigation, when I think about how you try a case and how you can best solve the client's problem and present the client's case to a group of six or 12 people who have been brought in from the street here to hear the presentation, having the input and the different perspectives from a wide range of backgrounds is extremely helpful to shaping the arguments for the client.

Myers: I agree with all of those things and I guess what I'd add is a lot of clients really want it. It is a priority for them as an institution, whether it's their board of directors that's driving it or their senior management or what have you, the client is asking for it.

Even if you wanted to, which we don't, you wouldn't turn a blind eye to it. If the client asks you to prioritize something, you do so. A lot of our clients, increasingly more so, are doing so.

Douglas: There are actually many clients today who are asking us to keep statistics on the number of hours spent on their matters by diverse and female attorneys. And there are even a few out there for whom the billing arrangement has an aspect that is driven by how successful we are as a firm in meeting their goals as a client and having their matters staffed by diverse lawyers.

Myers: And they've been more proactive lately in asking us to help them develop metrics. We had a couple of clients come to us relatively recently to ask us to help them develop a diversity

scorecard, if you will, where they are putting forward metrics that they'd like their professional providers to meet.

They are very open about, hey, how can we help you meet them?

To Chuck's point, some of it's just statistical. Are you having enough diverse lawyers involved in our matters? Some of it is, do you have a vendor supply program where you are prioritizing the vendors that Kirkland & Ellis uses and making sure that you're going to minority-owned or women-owned businesses? Those kinds of things.

So what's been really striking, at least to me lately, is that they are so much more interested in helping us get to where they want us to be and offering a partnership, which is pretty cool.

Morkin: Diversity is so central to a number of clients that they give out awards to highlight leadership in the area of diversity in law firms.

Starbucks is a good example. Diversity is core to who they are. They have been giving out such awards for two years now and, last year, we received their "Excellence in Diversity Award."

These type of client awards do not just recognize firms for their leadership in this area, they also emphasize the critical importance of diversity and inclusion to the corporate community and draw attention to the role that diversity plays in ensuring that clients receive the best legal representation possible.

C.L.: Diversity may be improving, but what else do large law firms need to do to increase the number of minority and female partners?

Myers: As I said, I think the point about making sure that it becomes sort of second nature to have diversity considerations as part of your decisions as opposed to just trotting it out when you think you have an audience that wants to hear it. ...

Retention, I think, to Chuck's earlier point, is really where it's at. I think all of the large law firms are doing a better job on the recruiting front, but making sure you have the programming and the mentoring/sponsorship of your diverse lawyers in place and giving them opportunities and really making sure they are included in the culture and in the rise of the firm is really critically important. We're very focused on that, as I imagine these gentlemen are as well.

Douglas: About a year ago, we put together a task force, a group of both senior partners from the firm and the senior leadership of our diversity committee and our women's committee to think about things we could do that would be more proactive.

You do want to make it second nature. We do speak to senior leadership about the need to promote diversity every time we get a chance to address the full partnership. But I think there are some things we decided that we could do to be a little more proactive.

First was a little bit more training on day one. People make mistakes after they've come to the law firm fresh out of law school. Sometimes they don't get as much of an opportunity to recover from those mistakes, and so, we put together a weeklong training camp before the incoming class of associates started, in which we focused on basics. It's just the basics of how you function and live in a law firm as an associate as opposed to in law school as a student. Things like billing and communicating on deadlines, some of the real basic skills that will make a big difference to how people perceive how well you're performing. I think that worked pretty well for us.

The second thing we've done is to focus a little bit more on mentorship. One of the conclusions we reached was that most of the partners in the firm who have succeeded can point to somebody or a small number of people who really took them under their wing, had an interest in their development, had an interest in making certain they got exciting and good, high quality assignments and did well, both within the firm and externally with respect to clients.

And so for all of our diverse lawyers, we now have a separate mentor assigned really to focus on that issue. And, in fact, we put it into place for our diverse partners as well under the theory that just because you became a partner doesn't mean your career is over. You're still going to have to grow and succeed and develop, you could use some help. We gave the diverse partners the option to accept the mentor or not, and not all of them did, by the way.

But we decided that would be something that we ought to focus on to try to make a difference both in retention and the longtime development of all of our diverse lawyers.

Morkin: I think Linda hit it when she said the attention the firms are spending now is on retention. What are we doing to make sure we're developing all of our lawyers and keeping them?

A couple of things we started about four years ago, we organized affinity groups within the office and within the region. For all different groups, not all of which fit traditional definitions of diverse groups. We have one for paralegals, we have one for parents, we have one that's just sort of about world religions. We have all the traditional LGBT, African-American, Asian-American, as well.

It's attorneys and staff alike that become very active, not just within the firm, but they put on client events. Our women's affinity group will do half a dozen client events a year. It's something they take on, they sponsor. Last week the LGBT affinity group sponsored an event here at the office and then across the street with Hubbard [Street] Dance [Chicago]. That's been a big part of just sort of helping that inclusiveness permeate the whole firm.

It also is starting to show up in all of the large firms in professional staff. We have a regional director of diversity in North America, who is a professional, full-time person whose sole job it is to help us address diversity and inclusion issues. We have committees in all of the offices across regions, etcetera.

And, to Chuck's point, at our annual meeting the last two years, when we get all of our partners together, a couple of years ago in London, this year in Chicago, we actually had an LGBT

cocktail reception that was attended by not just LGBT attorneys and partners, we had half our executive committee there this year, which gets back to it starting at the top and that message. If it's not at the very top, you're not going to succeed.

Myers: Another thing I wanted to add on that topic — we have done a lot of the same things. We formed a diversity integration task force, although six months after [Chuck] did it. We've got the affinity groups, and we're doing a lot of the same events.

But the other piece of it that's maybe a little bit more sensitive, but I think is very important, is how do you motivate attorneys who are nondiverse, don't fit into typical diversity categories, if you will, to actually participate in all of this and care about it?

I think part of that is you've got to be willing to recognize when people are engaged in the effort and compensate them for it and promote them for it. When we do our review processes, even for equity partners, what you're doing on the diversity front, even if you're not diverse yourself, is very, very important and that has to be a priority for management. ...

Douglas: One of the things we do on that front is to ask our partners each year about what they have done to help promote diversity. We have a self-evaluation that every partner does at the end of the year, which is what we're looking at when we're trying to determine compensation for the next year. And you'd be surprised, what you ask partners about tells them what you care about. By asking and having to answer that question, you can help influence behavior.

And we talk to partners after we read all of the self-evaluations, which is no small task in its own right. Now, when someone answers that question of "What did you do to help promote diversity?" by simply saying, "I went to the LGBT cocktail party," that's not enough. That's nice. We certainly want people to do that. But we're more interested in finding out what they did to help develop the diverse lawyers as professionals and as representatives of the clients.

We want to see them thinking about diversity when they're putting together teams to go pitch for new business, we want them to be thinking about diversity when they're talking about putting together the teams to go represent the clients after the business has shown up on our doorstep. Those types of things are what we really want to encourage and incentivize our partners to do. ...

Morkin: All of the firms have various programs on awareness, and historically they tend to be almost preventative to stop people from making mistakes and to help people be aware of differences. But I think firms are advancing far past that nowadays.

What we've done the last two years is put together what we call diversity dialogues. We invite everybody in the firm, partners, associates, staff, to participate. We take sort of real-life situations that relate to gender and diverse issues that we then throw out among groups of 10 to 15 people sitting in a room like this and open it up for discussion.

We get different viewpoints on the talented lawyer who has a young baby at home and has day care issues and has to get home. To start a dialogue, we're actually talking about the issues in an

environment where people feel safe to talk about the issues. A male associate might say, "How is that fair? I can't go. I have to stay." They talk about it and there's an educational process.

This past year we had 77 percent of our people participate, from partners on down, which in sort of a voluntary program starts to give you a sense of that inclusiveness that you're hoping for. ...

I think most people in large law firms now think of themselves as supportive. Really, we're well beyond issues of real discrimination. Nobody wants that. I don't think anybody thinks of themselves that way or sees much of that permeating their firm the way it did years and years ago.

It's one thing to want it, it's another thing to actually champion it. That's what we're starting to see the efforts behind. ...

C.L.: How can the entire legal community continue to improve diversity in the future?

Myers: We've touched on a lot of them, honestly. I think the notion of just making diversity considerations second nature, whether it's a law firm, a law school, a company. It just cannot be a separate thing that's just trotted out when you think your audience wants to hear about it.

I'm very hopeful that in time, it's going happen. The way Mike was describing, and the way things have shifted from years and years ago, how people who were diverse were treated in large law firms, it's changed radically. Over time, as we progress forward, and there's more recognition of the importance of diversity as a top priority issue, it's going to happen.

Douglas: Inclusion is doubly successful when you have more role models that come from your diverse population. And so I think one of things that we touched on earlier that really is next is as the population in the large law firms is changing, you will see more diverse lawyers and women in leadership positions. That will create more role models. That will foster the sense of inclusion that I think is very important for the concept of diversity really to succeed in practice.

And so there are some specific things that will have to happen, but I think they are underway and I think if you fast forward not too many years, you'll see a very different picture with respect to the role models in large law firms and the composition of those role models to include more and more of your diverse lawyers and your women attorneys.

Morkin: I think that's right. I grew up, and I had a coach, who every time you got down on yourself because you felt like you weren't progressing, he would say that progression is never a steady incline. It's a series of plateaus, and you're at a certain level, and you feel like you're at that level, and then all of the sudden, all that hard work pays off and you're at another level.

I think that's true in a lot of respects and I'm hopeful that it's true here. For all of the reasons that Linda and Chuck have said, I think there's been a lot of attention to [diversity] and that attention has had a lot of great effects so far. I'm hopeful it's positioned us to be in a very different place actually very soon.

It's increased the population in the law firms, the diverse population. Through mentoring and other programs, it's retained that population. Through interest and attention of the clients, it has further caused law firms to focus on it. As you now advance that population further to more and more partners, to management, to leading client teams the way we're seeing so frequently now, all of the sudden it is second nature. That is where we want to be. I think that we are hopefully well-positioned, not just Baker & McKenzie, but in the legal community generally, to be in a better place, a much better place, very soon. I don't think we're going to see this same sort of steady improvement. I think we're ready for a leap to another level.

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