

Diversity in Practice *for diversity, against change?*

February 2008

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In a recent leadership dialogue on diversity at a large law firm, the managing partner, a white man in his late 50s, said, “Arin, you have to understand, I’m not against diversity. I’m against change.”

He proceeded to lament how the informal mentoring he experienced as a young associate and used as a partner had to change because it wasn’t inclusive of minorities; how career tracks had to change because they weren’t working for women; and how feedback and evaluation systems had to change because they weren’t working for the younger generation.

“It sounds like you are saying diversity is about getting old white guys like me to change everything about the way we do things. I don’t like change.”

The Association of American Law Schools’ (aals.org) annual conference in January, entitled “Reassessing Our Roles as Scholars and Educators in Light of Change,” focused on how the changes in demographics, the legal market, the needs and expectations of Gen Y, and technology were requiring dramatic changes in the way law schools (and law professors) defined and structured ... well, everything.

Change is dominating discussions in law firms, the legal education system, corporate legal departments (clocalltoaction.com), and even the public sector. Lawyers are leaving the legal profession in record numbers because it is not changing fast enough (NALP, ABA). Then, there is Law Students Building a Better Legal Profession (BBLP), “a national grassroots movement” that wants to change the legal profession’s commitment to work-life balance, diversity, and pro bono.

BBLP, led by two white male law students and buttressed by attention from Chicago Lawyer, the Wall Street Journal, The New York Times, the Los Angeles Times, CBS, and the ABA Journal, wants to encourage “students deciding who to work for after graduation, corporate clients deciding who to hire, and universities deciding who to allow on campus for interviews - to exercise their market power and engage only with the firms that demonstrate a genuine commitment to these issues.”

Even the 2008 presidential candidates - the most diverse field of viable candidates to ever run for the country’s highest office - are primarily campaigning on the need for and promise of “change.” With change and diversity intersecting in so many inextricable ways - is it fair to assume that resistance to diversity is merely a resistance to change? If so, what can the field of diversity learn from the field of change management?

Change management generally requires us to transcend the discussions on whether we should change to discussions on how we can thrive when change is inevitable. Managing change then requires us to move past the polarizations of change as accommodations by some to benefit others and leverage change as required by all for the benefit of all. Last, but not least, change management requires us to understand that change is hardest for those who have benefited the most from the status quo.

As the focus on diversity continues to collide and merge with the focus on change, advocates for diversity will be well served by using principles of change management to drive their diversity efforts. This will require that we stop talking about diversity as a racial minority or gender or GLBT or generational issue and start talking about diversity as an integral component of inevitable change.

This does not mean, of course, that we abandon the necessary work of fighting stereotypes, conscious and unconscious biases, and other barriers to full inclusion. It does mean, however, that we reevaluate the way we frame and communicate our efforts so that we don’t echo the resistance to change that we cite as a barrier to change.

The younger generation is leading the charge on reframing diversity as a value instead of an objective. Among lawyers under 35, the gap between men and women in relation to the priority of work-life balance has almost disappeared. Young male lawyers are as likely to leave a workplace because of work-life conflicts as young female lawyers, and both are equally willing to take less

money to ensure work-life balance (AmLaw Surveys 2007). Young white lawyers are almost as likely to pick a workplace because of its diversity as young minority lawyers (BBLP).

The time has come for diversity efforts to be integrated into overall retention efforts instead of being stabled in women's initiatives or minority initiatives. As this younger generation (and the "change is the only constant" millennium they represent) enters the legal profession, we no longer have the luxury of asking if we are comfortable with change. The question we have to ask, and - answer, is, how can change make us a stronger profession?

In light of the managing partner's candor about his dislike for change, we shifted the focus of the meeting from "how do we change to achieve diversity" to "how can we lead the firm to be a better and more diverse firm in light of the inevitable changes happening in our profession." Perhaps the shift did not make change any more palatable to those around the table, but it did make the need for their leadership in changing times more apparent.