



Diversity & The Bar

## **The Power of Diversity Consultants: Helping to Achieve an Inclusive Workforce**

*By Carisa Crawford-Chappell*

While most executives and managers in the legal profession realize the importance of having a diverse staff, they are not always sure how to recruit and retain candidates from different backgrounds. Diversity consultants who specialize in the legal industry understand the profession, and are being sought to help balance the scale so that the playing field is level for everyone. More and more, attorneys committed to a diverse work environment are turning to diversity consultants in hopes of achieving a multicultural work environment.

### **Working with a Diversity Consultant**

Diversity consultants often advise that the one-size-fits-all model rarely works because of the varied nature of the legal industry. After the initial meeting, diversity consultants usually tailor their strategies to what will work best for a particular firm or corporation.

“We typically get involved when firms decide they want to do something about diversity; we meet with them to find what the burning issues are and if any initiatives have been put in place,” says Maureen Giovannini of Novations/J. Howard and Associates in Boston.

Giovannini, who has a degree in cultural anthropology, states that she initially recommends some form of base-line data gathering to determine what the real issues and opportunities are. “We’ve conducted firm-wide assessments using surveys, interviews, and/or focus groups to capture the perceptions and experiences of attorneys as well as staff. Typically the assessment will be highly customized because the law firm culture has unique characteristics not found in most other organizations. In addition within most law firms there are separate subcultures based on practice group and location. We create data gathering instruments to capture this diversity and then sort the data by professional status, location, race/ethnicity, gender, practice area, and other relevant variables,” says Giovannini.

Arin Reeves was a practicing attorney before she returned to school to earn a Ph.D. in sociology, specifically focusing on race and gender in the legal profession. Reeves is now a diversity consultant with The Athens Group in Chicago, and has presented her research on diversity at various conferences.

Reeves says that she does a range of things for her clients, starting from a needs assessment involving race, gender, and sexual orientation, to strategic planning on how to address problem areas.

“I do strategic planning and assist with recruitment, retention, and lateral hiring initiatives, as well as marketing in terms of diversity and really helping law firms to figure out how to create strategic partnerships with their clients on these issues,” says Reeves.

### **Challenges Specific to the Legal Industry**

Last year, the Equal Employment Opportunity Commission (EEOC) reported that while law firms embrace diversity, hurdles still remain. Since in-house counsel often move through the ranks by working in law firms, corporate legal departments face the same problem.

Consultants say that the legal field has its own set of unique challenges regarding diversity. “At the risk of stereotyping, I think attorneys in general are skeptical of any change; they’re highly educated and very intellectual,” says Mauricio Velasquez of the Diversity Training Group, Inc. in Herndon, Va. Velasquez is often asked by law firms to help them look at and understand their own diversity internally, then help devise a strategy and plan for addressing their specific issues.

Some firms offer training to the entire staff, while others just focus on attorneys. “It varies according to firm,” says Katie Herzog of Eastern Point Consulting Group, Inc. in Newton, Mass. “Cost is an issue for firms; while some firms choose to train attorneys only, others may include staff at the management and supervisory level.”

“There is something about a partnership structure and being in a client-service environment that makes the law firm model a little bit slower to change,” says Reeves. “The structure of law firms needs to shift in order to be more inclusive of different people. There are specific challenges in terms of retention and inclusion of women and minorities and the opportunities they are offered within the firm,” Reeves elaborated.

Diversity begins at the recruitment stage—a stage in the legal industry that some say needs refining. Herzog says that one of the frustrations firms have is a difficulty in recruiting attorneys of color. “Many well-intentioned firms see these candidates graduating from law schools,” Herzog says, “but not all know how to recruit successfully.”

“A lot of law firms are working on these challenges,” says Reeves. “But I think we still have a long way to go.”

Compared to other types of organizations, law firms have fewer human resource systems and personnel. In addition, there is little accountability other than that related to billable hours and generating business, says Giovannini. She added that there is an idea in the legal field that the best will automatically be promoted. However, that’s not always the case, and Giovannini says that the senior partners play a big part in who comes out on top.

“They are unaware of the influence of their decisions, such as who is put on high-profile projects and introduced to key clients. It is the ‘anointed one’ syndrome that can be a self-fulfilling prophecy,” says Giovannini.

#### **Advice to Clients**

Achieving diversity is work that takes time and commitment from the top partners and executives. Diversity consultants who work in the legal industry advise their clients to have an open mind and realize that training alone will not change the culture of an organization overnight.

“Don’t do training in a vacuum because it’s not the most successful way to integrate diversity in a law firm,” cautions Reeves. “Diversity training does not create diversity. You really have to start by saying we have to integrate diversity into everything that we do. In order to do that, we have to figure out where the problems lie by doing a needs assessment, and have a strategic plan that is aligned with the overall business plan of the firm.”

Reeves first asks her clients what they want to accomplish through diversity training, then backtracks to a point where she tells them that in order for training to be effective, it must be part of a larger strategy. “In order for diversity to take root and flourish at a law firm, every single aspect of the firm has got to be aligned,” says Reeves.

Velasquez agrees, and says he prefers to work with firms that are very holistic in nature. These firms “don’t want to do just training,” they want to really scrutinize their business practices, policies, and procedures.

“I prefer working with firms where they actually hired a full-time dedicated diversity manager to help look at recruitment, retention, and community outreach,” says Velasquez, who added that his approach to diversity is different.

“Too many diversity trainers and consultants get on their soapbox and pull out the ‘blame machine gun’ and just mow everyone down,” says Velasquez. “That’s not our approach at all. We’re not attacking the white man; that approach is never going to work,” Velasquez continues.

Giovannini mentions that one prospective law firm client told her quite frankly that maybe in about five years their company will seek diversity, because right now there haven’t been any complaints and no one is putting pressure on them. However, she warns against that approach, and says that firms and corporations should always be proactive in diversity and not wait until they’re pressured to make changes.

“It’s difficult to obtain success with diversity goals by recruiting only junior associates,” says Herzog. “We advise firms to consider lateral hiring of associates and partners as an effort to build diversity at all levels,” says Herzog.

“In order for diversity to work, there has to be an educated leadership that really gets it and is committed to it,” says Reeves. “If we don’t have committed leadership, then we can forget everything else. I look for personal commitment from leadership, which doesn’t just mean sending an email with their name on it,” Reeves continues. “This means that they’re willing to have the difficult conversations with their partners, willing to make the challenging changes necessary to the structure of the firm and to take it in the direction that embraces diversity at all levels, as well as be willing to challenge the compensation structure to be more inclusive of diversity efforts and initiatives similar to changes that have occurred through pro bono initiatives,” Reeves elaborates.

Consultants agree that ensuring everyone is treated with respect is key to a successful diversity program. Giovannini believes that firm-wide assessments are important because they offer a snapshot of people’s perceptions. “From the assessment data, I can get a sense of where things are going well and where there are opportunities for improvement.”

Herzog says that she interviews women and minorities who have left law firms and asks them what factors would have compelled them to stay. “Usually the issues are related to opportunity,” says Herzog. “Achieving one’s full potential is on the mind of every associate,” she continues.

Mentoring is also important in the legal industry’s success of retaining minority candidates. “We’ve been very successful with our mentoring programs. Some programs disappear within six months, but we’ve developed the methodology and structure to ensure that programs are sustainable and last over time,” says Herzog. “Firms are very receptive to success; a lot of it is common sense,” Herzog emphasizes.

### **Benefits of Being Diverse**

Diversity is an essential part of doing business in the legal field. According to diversity consultants, more firms are looking for diversity training and understand the connection between diversity and business development.

Reeves says that she definitely sees a marked change in the past five years in the number of people requesting the services of diversity consultants. “I also see a change between 2002 and 2004. Over the last 18 months, for some reason, I’ve seen a pretty high shift,” says Reeves.

“More are getting it because the client market is demanding it,” says Velasquez. “Now that the market is demanding it, I want to tell people to change not because of money, but because they need to be socially and morally prepared. It’s really hard when you haven’t done anything about diversity and then all of a sudden you get slammed,” says Velasquez.

“There is an incredible rate of turnover with minorities and women in the legal industry,” says Giovannini. “Firms are losing face with their counterparts and sometimes with the corporate clients who expect to be served by a diverse team,” says Giovannini.

Herzog's firm recently provided consultation to a law firm with offices throughout the mid-Atlantic region regarding recruitment and retention of attorneys of color. They then developed a charter for the committee and a document outlining the business implication of diversity for the firm.

"Managing Inclusion" is a two-day interactive workshop offered by Giovannini's firm that is based on the premise that it's not the differences among people, but the emotional reactions to the differences that can cause problems. The program's goal is to help the top-level people to involve a greater percentage of the workforce in core business activities.

At the end of one of Velasquez's workshops, he says that participants would be able to better understand diversity and the impact it has on their organization and marketplace, as well as "what's in it for them" as an employee and the organization as a whole. Participants will also be able to promote and support a more inclusive work environment. Velasquez says that he offers a wealth of information on his website because he feels strongly about creating a diverse workforce and wants people to call him for the more advanced questions.

Reeves says that her organization has constructed a new paradigm called "Diversity Dialogues." "Diversity Dialogues really raise awareness, but it's not set up in a training model," says Reeves. "It's much more of an interactive dialogue with facilitated components to it. It's been extremely successful; even among the most skeptical of partners, we've received very high effectiveness ratings from it," says Reeves.

Having left a legal career to do diversity consulting, Reeves says that it really is a labor of love. "When I start seeing successes, it's the best paycheck. It's like watching something flourish that always had the potential, but didn't know how," says Reeves. "When you've got a law firm that works well, they're going to impact clients, attorneys on the opposite sides, and the new generations of lawyers. I really see it as, one lawyer at a time to affect our profession," concludes Reeves.

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*From the September/October 2004 issue of Diversity & The Bar®*