

No Time for Diversity Fatigue

by Marian Cover Dockery

Are you suffering from “diversity fatigue”? Have you attended three, six, nine, a dozen, diversity training seminars and feel that your firm or company fails to make significant progress in the hiring or retention of women and minority attorneys? If you are experiencing diversity fatigue, according to our speakers at the opening session of the State Bar of Georgia’s 14th Annual Diversity Program, it is much too soon for that.

During the opening session, “Meeting the Challenge of Advancing and Retaining a Diverse Law Office,” the panelists reported the dismal statistics relative to the representation of women and minority attorneys in law firms and corporations. These statistics were based on research conducted by the American Bar Association Commission on Women in the Profession, Catalyst, Inc., a nonprofit think tank based in New York and the American Institute for Managing Diversity. Some of those results will be discussed in this article.

One of the issues the panelists discussed was the low retention rate of women and minority attorneys in law firms. Why are women and minorities leaving in larger percentages than their white male peers? Why do women of color have the lowest retention rate of all the groups (white males, minority males and white females)?

There is a direct correlation between the low retention rates of women and minorities in law firms and the low percentage of women and minority partners.

Partners serve as role models, and their mere presence confirms the commitment of the firm to diversity and creates a more inclusive environment. Naturally, women and minority associates won’t feel as isolated where there are other women and minorities in power who can serve as mentors and role models.

What do the statistics show? Of all law firm partners, only 17 percent are women, which is roughly the same percentage it was almost a decade ago (14 percent in 1996); and only 4.6 percent of all partners were minorities in the same year.

Of all law firm partners in 2006, only 4.6 percent are minorities. Although this is slightly higher than the percentage of minority partners in firms in 1996 (2.9 percent), the problem is that the percentage lags behind the representation of minority law school graduates.

Percentage of Partners by Sex and Race in the U.S. 1996 vs. 2006

Year	Women	Minorities
1996	14%	2.9%
2006	17%	4.6%

Source: Catalyst, Inc.

In the corporate law departments, which are often touted as much more diverse, the percentage of women and minorities who are general counsels continues to remain low. Of the total number of general counsels in Fortune 500 companies, women represent only 16.6 percent (2006) and minorities represent only 5.6 percent (2005).

Percentage of Women and Minority General Counsels at Fortune 500 Companies

Women in 2006	16.6%
Minorities in 2005	5.6%

Source: Catalyst, Inc.

As stated earlier, even more staggering are the high percentage of women of color attorneys who leave their jobs in private firms. The ABA Commission on Women in the Profession reported that in the late 1990s, more than 75 percent of minority female associates had left their jobs in private firms within five years of being hired. The percentage rose to 86 percent in 1998 and by 2005, 81 percent had left their firms within five years of being hired.

Percentage of Women of Color Associates Leaving Their Firms Within Five Years of Hire

1990	75%
1998	86%
2005	81%

Source: Catalyst, Inc.

What can be done to retain this talent at law firms? What type of initiatives have successfully boosted morale and productivity and lowered turnover in legal offices? What barriers must be removed to ensure the success of women and minorities in the profession?

Our panelists discussed some strategies that law firms have successfully implemented. The experts included: Arin Reeves, J.D., Ph.D., who co-chaired the ABA Research Commission on Women in the Profession, moderator; Paulette Brown, partner at Edwards Angell Palmer & Dodge and co-chair of the commission; Brande Stelling, senior director advisory services of Catalyst, Inc. (New York) and Melanie Harrington, executive director, American Institute for Managing Diversity (Atlanta).

Our panelists and other conference speakers also discussed several diversity initiatives which law firms and law departments are currently implementing to meet this problem head-on which are outlined below.



IT'S TIME TO GROW YOUR RETIREMENT

Legal professionals know that growing a future begins now. A good start is selecting the right resource for a retirement plan for your firm. Your best option may be the cost-effective program that was created by lawyers for lawyers, and run by experts.

ABA Retirement Funds has been providing tax qualified plans for over 40 years. Today our program offers full service solutions including plan administration, investment flexibility and advice. Now we also offer our new Retirement Date Funds that regularly rebalance the fund's assets based on your selected target retirement date. Plus, our program now accepts Roth 401(k) contributions from profit sharing plans that currently offer a 401(k) feature. Isn't it time to start growing your future with the ABA Retirement Funds?

LEARN HOW YOU CAN GROW YOUR FUTURE WISELY

Call an ABA Retirement Funds Consultant at 1-800-826-8901 www.abaretirement.com

GET A FREE PLAN COST COMPARISON

Is your plan as cost-effective as it could be?

Just call 1-800-826-8901 for a custom cost comparison



For a copy of the Prospectus with more complete information, including charges and expenses associated with the Program, or to speak to a Program consultant, call (800) 826-8901, or visit www.abaretirement.com or write ABA Retirement Funds P.O. Box 5142 • Boston, MA 02206-5142 • abaretirement@citistreetonline.com. Be sure to read the Prospectus carefully before you invest or send money. The Program is available through the State Bar of Georgia as a member benefit. However, this does not constitute, and is in no way a recommendation with respect to any security that is available through the Program. 11/2006



Leadership by Management at Law Firms

The managing partner of the firm sets the tone for the direction and success of its diversity initiatives. This responsibility cannot be delegated. If the managing partner and other partners at the firm do not integrate diversity into the hiring, training, evaluations, compensation, retention and promotion of women and minorities at the firm, the diversity efforts will in all likelihood fail.

Reeves cites the firm's leadership as one of the most critical elements of its diversity program and says that this commitment needs to be explicit, visible and personal. Further, Reeves emphasizes that "diversity cannot work when it is separate from everything else; it has to be integrated into everything else and the managing partner must lead the firm in its commitment to integrating diversity into

all levels of the firm's personnel process."

How does the managing partner accomplish this? First, the managing partner must verbally communicate to his executive committee that the firm will not tolerate bigotry or bias, inappropriate communications of any type that insult a person because of his/her race, sex, religion, national origin or sexual preference. A zero tolerance of anyone failing to comply with the equal employment opportunity laws in all personnel practices is mandatory. That message must be communicated at staff meetings, executive meetings, orientation sessions and any other forum that management deems appropriate. All violations must be investigated promptly and sanctioned immediately.

Secondly, the managing partner must endorse and participate in educational diversity programs. Continuing education on diversity issues can help white male attorneys better understand the cultural

differences of persons with different backgrounds. That understanding can lead to a better work environment and enhance the work experience of all employees at the firm. Also, when the firm introduces internal diversity education programs, and the senior partners are participating, it sends a message to the women and minorities that says "we support diversity" and fosters a positive and inclusive work environment.

The American Institute for Managing Diversity led by Melanie Harrington and the Atlanta Large Law Firm Diversity Alliance (whose members are the 11 largest firms in Atlanta), launched a Diversity Leadership Academy to address diversity training and education among law firm partners and provide a forum to develop skills in managing diversity. Recognizing the problems of retaining women and minorities, the firms funded research and development for an education pro-

gram for law firm leaders and established a steering committee to oversee survey research on large law firm environments; approve a curriculum for law firm leaders and provide advice on program format. Today, the 11 firms require their partners to participate in the training program.

Mentoring Programs

Firms are successfully recruiting women and minorities but still struggle to retain and advance these talented groups of attorneys. How can this be achieved?

When Catalyst, Inc., asked women lawyers to identify the top barriers to women's advancement in the legal profession, Stelling's reports that lack of mentoring opportunities is a top barrier and recommends "developing a variety of mentors with different skill sets, strengths and perspectives to act as your own 'board of directors.'"

Why is mentoring important? A Catalyst, Inc., study of women

lawyers who graduated from Ivy League law schools reported that 53 percent of women versus 21 percent of men are excluded from informal networks within organizations and 52 percent of women in that same study reported a lack of mentoring opportunities versus 29 percent of all men.

Thus, if the majority of white male partners only mentor other male associates on an informal basis because they prefer to help those who "look like them," law firms lose talent, skills and money when women and minorities fail to get the same support and leave the firms.

It is essential that women and minorities get the same support. If there is no informal program, a structured and formal mentoring program must be designed to give all attorneys a chance to succeed in their organization.

Stelling's emphasizes that "mentors can help with many skills essential to a successful legal

career, including how to manage time wisely, develop business, delegate work or navigate the organizations' office politics."

How Should Firms Design Mentoring Programs?

There are three elements in this author's opinion of a successful mentoring program. First, successful mentoring programs should include all new associates. Programs targeted exclusively for women or minorities fail to fulfill the needs of the firm because excluding any groups e.g., white males, alienate those young associates who require the same guidance and feedback. And although some white males may informally get the mentoring that women and minorities do not, there are always some who "fall through the cracks."

Secondly, mentors must volunteer for the job. Anyone who is reluctant to meet the challenge should not assume the responsibility. Brown, who is one of three



WE KNOW

What Your Professional Liability Policy May Be **MISSING.**
DO YOU?

Call **GILSBAR** today for a no-obligation policy comparison.
We have the knowledge and expertise to help you understand the advantages of the CNA policy.

For more information, please call us at

1-800-906-9654

or visit us online at

www.gilsbar.com/quickquote

GILSBAR is the exclusive administrator for the CNA **LAWYERS PROFESSIONAL LIABILITY** Program in the State of Georgia.



One or more of the CNA insurance companies provide the products and/or services described. The information is intended to present a general overview for illustrative purposes and is not intended to substitute for the guidance of retained legal or other professional advisors, nor to constitute a contract. Please remember that only the relevant insurance policy can provide the actual terms, coverages, amounts, conditions and exclusions. All products and services may not be available in all states. CNA is a service mark registered with the United States Patent and Trademark Office. Copyright © 2006 CNA. All rights reserved. MK-07-2443

minority woman partners in the state of New Jersey says, "Mentoring is very serious and should not be taken lightly. Partners should not be 'forced' to be mentors, as when they are, they are less likely to be effective. Parenting is not suitable for everyone, nor is mentoring."

Third, mentoring programs must address the different needs of the entry-level associate, the junior associate and the senior associate. For example, the entry-level associate needs education regarding office politics, time management, the firm's economics and how to properly delegate work, as well as understanding who's who in the organization. The practice group mentor should be willing to evaluate the attorney's work and communicate a plan to correct any problems and provide this feedback before the first formal evaluation period.

Junior associates need more challenging assignments, including learning how to develop a book of business and start developing that business by networking outside of the firm. Mentors should continue to give honest feedback at the junior level as well and make any suggestions to help them with skill building to ensure their success. Giving them exposure to clients is important in building the mentee's confidence.

Senior associates may need help in developing clientele and should get even more exposure for the challenging assignments with clients who may seek their expertise in the future. Women and minority attorneys joining the teams to work for the key corporate clients at this stage is not only important for the mentees, but invaluable for the firm which needs to showcase its diverse talent for the many corporations now demanding diverse outside legal teams.

An effective mentor must be someone who his mentee can trust, with multiple people serving as mentors in the life of an attorney.

Just a few examples are: the mentor who will help with one's professional development; the mentor that will help with one's social and emotional development; and the mentor who is the quintessential cheerleader, friend and fan.

Diversity Managers/Partners

More and more firms are hiring attorneys and non-attorneys to spearhead their diversity efforts. The Minority Corporate Counsel Association reported an increase in firms hiring diversity partners or managers to ensure implementation of diversity strategies created by members of the firm's diversity committee.

In order to design an effective diversity program, firms hiring diversity partners must ensure that the diversity partner reports to the managing partner to guarantee the respect of the position by other partners in the firm. Part-time diversity partners and those relegated to the human resources department of the firm are set up to fail.

The diversity partner's responsibilities include but may not be limited to:

- Mapping out recruitment strategies and identifying the best talent available for the firm;
- Monitoring the effectiveness of the firm's policies and updating what can and cannot work;
- Exploring and implementing work-life balance options and other personnel policies that will help, on a long-term basis, advance more talent;
- Serving as an ambassador for the firm's commitment to diversity by speaking on panels, presenting at diversity programs and doing other work in the community; and
- Attracting clients and increasing profits for the firm.

Diversity partners or managers must have the unwavering commitment and support of management and the members of the diversity committee to ensure success of the firm's diversity initiatives.


Affinity Groups

During the afternoon sessions, our panelists also discussed affinity groups formed and led by company employees. Affinity groups are employees of the same race, sex, sexual orientation or nationality who come together and discuss issues of concern and solutions for their problems and celebrate their heritage. Usually, affinity groups are open to all employees regardless of their race or background. They can become a powerful vehicle to educate majority employees who plead ignorance to different cultural backgrounds or beliefs. These groups also serve to educate majority employees about the unique challenges women and minorities face in their careers.

Affinity groups can serve several other purposes. They help reduce a feeling of isolation in the workplace by affording women and minority employees a platform to voice their concerns and discuss meaningful solutions, celebrate their differences, and identify additional mentors with similar backgrounds who can help them achieve success at their firms and companies. These groups can provide opportunities to meet peers with similar interests and backgrounds, especially in large firms and corporations where attorneys may only see those in their practice groups.

These groups are often the basis for the formation of long-term relationships that may contribute to the professional growth of the women and minority attorneys seeking guidance in handling the daily challenges of the workplace such as balancing work and family, effective rainmaking strategies as well as addressing racism, sexism and harassment.

Conclusion

Commitment to diversity is more than paying lip service. Effective leadership, effective diversity management, informal and formal mentoring programs, affinity groups and above all an education program that teaches attorneys to understand about cultural differences contribute to the economic success of a law firm and law office. Diversity is a process that must be inculcated into the culture of the workplace to ensure the continuing success, not of just the women and minority attorneys but the success of the law firms and corporations that employ these talented groups of attorneys. 



Marian Cover Dockery is an attorney with a background in employment discrimination and the executive director of the State

Bar of Georgia Diversity Program. For more information Diversity Program, go to www.gabar.org/diversityprograms.

**Earn up to
6 CLE credits
by authoring
published legal
articles.**

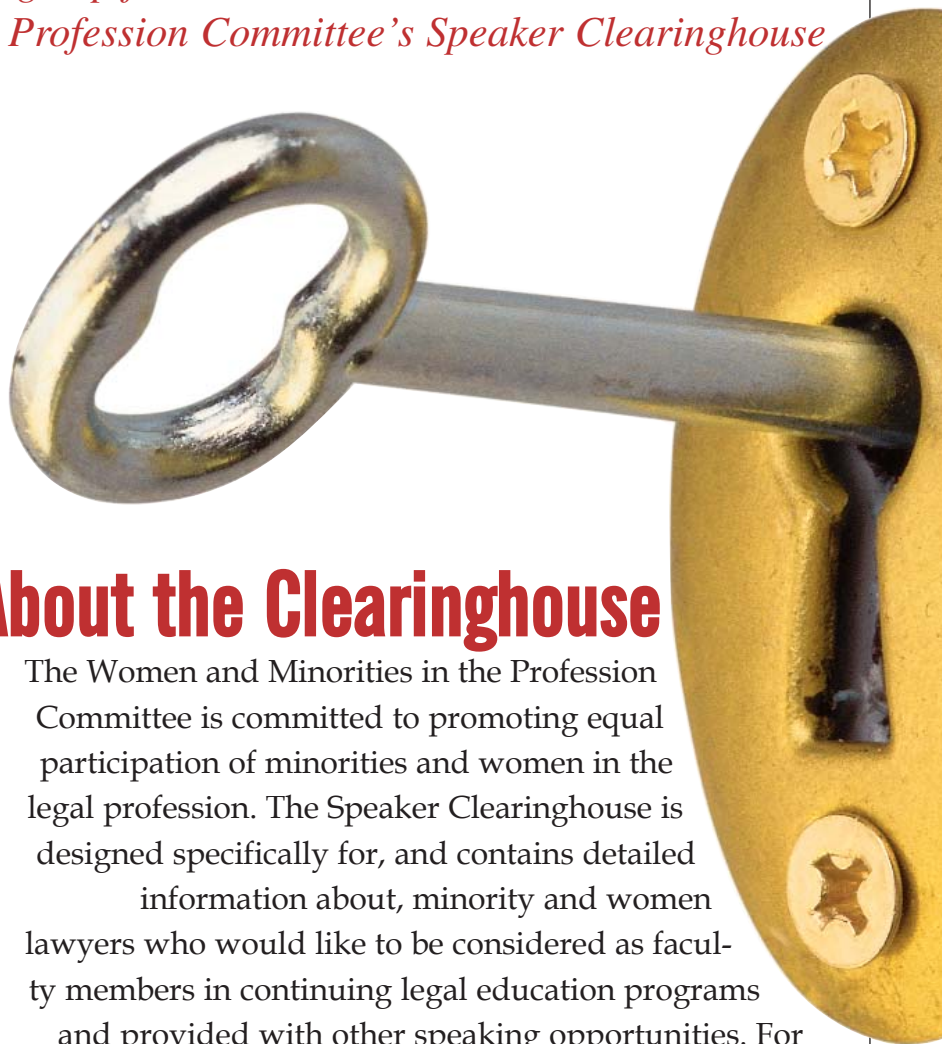
Submit articles to:

Marcus D. Liner
Georgia Bar Journal
104 Marietta St. NW
Suite 100
Atlanta, GA 30303

Contact sarah@gabar.org
for more information
or visit the Bar's website,
www.gabar.org.

Unlock *your* Potential

*Sign up for the Women & Minorities in the
Profession Committee's Speaker Clearinghouse*



About the Clearinghouse

The Women and Minorities in the Profession Committee is committed to promoting equal participation of minorities and women in the legal profession. The Speaker Clearinghouse is designed specifically for, and contains detailed information about, minority and women lawyers who would like to be considered as faculty members in continuing legal education programs and provided with other speaking opportunities. For more information and to sign up, visit www.gabar.org.

To search the Speaker Clearinghouse, which provides contact information and information on the legal experience of minority and women lawyers participating in the program, visit www.gabar.org.