



# Making Legal Managers into Effective Diversity and Inclusion Advocates

Could managers be the ideal champion for firm diversity?



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**Research suggests small law firms haven't been able to quite keep pace with large firms' diversity progress in recent years.**

Although firms with 100 or fewer attorneys showed minor diversity representation gains from 2016 to 2017, their percentage of female associates declined.

The proportion of minority and nonminority women partners, according to National Association for Law Placement data, rose by less than 0.5 percent. Small firms' most significant diversity achievement, involving an increase in the overall amount of minority partners, was incremental — just 0.93 percent.

For small firms that lack the resources to add the type of full-time diversity position a number of large firms have incorporated, increasing diversity can be a daunting task.

However, some firms, according to Mariel Piilola, JD, Director of Administration at Minneapolis law firm Larkin Hoffman, may be able to utilize an internal alternative: legal managers, whose job responsibilities can sometimes overlap with the recruiting, training and other operational elements diversity initiatives address.

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“It touches on everything we do and are trying to accomplish in firms,” says Piilola, a member of the Minnesota Chapter who currently serves as ALA’s Committee on Diversity and Inclusion Chair. “If you’re at a five-attorney firm or a 500-attorney firm, you have the ability to influence and make changes.”

### A FRESH PERSPECTIVE

Legal managers working at firms that don’t have a well-defined diversity and inclusion initiative could, Piilola says, present some ideas to increase diversity to the firm’s management committee or suggest the firm establish a diversity committee.

Legal managers at firms that already have a robust diversity and inclusion committee can help advance diversity plans by keeping up with industry practices to provide resources and new ideas.

“It’s a time commitment for legal managers, [but] it’s a basic thing we have a responsibility to do because it’s a significant issue our entire industry faces,” Piilola says. “When you look at the statistics, you see where people of color, people with disabilities, women are not flourishing — they’re not making it to the ranks of shareholder or partner.”

If your firm’s diversity and inclusion program could potentially benefit from a legal manager’s involvement, the following steps can help the manager identify what needs to change — and how to make it happen.

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### Determine what diversity and inclusion issues exist:

Manar Morales, JD, President and Chief Executive Officer of the Diversity & Flexibility Alliance, suggests first gauging how employees view their work environment.

“Asking whether people feel included, who’s going on client pitches, analyzing everything that’s happening is an important

piece of shifting the culture,” Morales says. “If your strategy’s in place, but there’s no culture to support it, you’re never going to get results.”

If a firm’s culture isn’t inclusionary, attempts to offer social activities, for instance, can end up being off-base, according to Michelle Sharpe Silverthorn, Diversity and Education Director at the Illinois Supreme Court Commission on Professionalism. She also writes a regular column for *Legal Management* on diversity and inclusion.

“Silicon Valley, for example, loves [to offer] free beer and arcade games and ping-pong tables — that may not be something every group loves,” Silverthorn says. “Organizations [may need to recognize] that there can be a culture in a company that excludes other people.”

**Cast a wider net:** “If the people who work in the firm are primarily white male partners and are just recruiting their own friend circle, you may always get the same [demographic],” Silverthorn says. “Expand to new circles and organizations. You can reach out to more people and be tapped into women and minority candidates, rather than just relying on the same system over and over again.”

A similar approach can facilitate first-year attorney hiring efforts.

“If you’re going back to the top 14 schools every time, there aren’t that many minority students in those schools — the numbers are declining, not increasing, and [firms are] all competing for the same people,” Silverthorn says. “Expand the schools you’re recruiting at and you can get qualified, successful candidates who’ll be successful at your firm.”

**Choose more diverse vendors:** Legal managers’ influence can often extend beyond internal processes — which could have a far-reaching effect, according to Elizabeth Birch, former Executive Director of the Human Rights Campaign and Worldwide Director of Litigation and Human Resources Counsel for Apple. She now serves as a Vice President at commercial real estate firm CBRE and President and Chief Executive Officer (CEO) of media, communications and strategic change organization The Elizabeth Birch Company.

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"One of the biggest differences law firm administrators could make in the world is using the power of the purse, to the extent they have responsibility for the supply chain to that law firm," Birch says. "The more they can bust open those opportunities to women and people of color — not just organizations that are women- or minority-owned, but diverse teams within companies that provide services — it could help jolt the consciousness of internal law firm life, as well."

**Don't ignore inclusion:** Approximately 40 percent of the lawyers who left firms in 2016 were women, a number that's remained relatively consistent since 2007, according to a 2017 survey from the Minority Corporate Counsel Association and Vault.

Of the 10,709 lawyers who left firms in 2016, almost 22 percent were members of a racial or ethnic minority group — the largest portion to date.



"We've found you can get diverse individuals into firms, but haven't been able to retain them," Piilola says. "So we've come to this concept of inclusion — what are we doing to make sure folks who come from a different race or creed or socioeconomic background feel in this environment that their voices are being heard?"

Given that 76 percent of law firms say pressure from clients is the biggest catalyst for diversity-related change, according to a 2016 Big Law Business report, firms that can't keep diverse employees on board may face a challenging scenario.

"In-house counsel will say, 'I want a team that reflects our law department and, more importantly, our customers.' They want the team to be bringing better perspectives to the table," Birch says. "The only way that happens in a meaningful way is firms literally have to track the quantity of hours and clients and work so associates are truly getting a meaningful client experience."

According to Silverthorn, some firms are using technology to track associates' experiences from the time they start at the firm to identify patterns that suggest predictors of success and catalysts for leaving.

"The other thing we're tracking is where people are being recruited from," she says. "We [can then] go back to the partners and management committee and say, 'Here are the results for those efforts, and here's how we measured them' to make sure we continue to get buy-in for the programs we do."

**Address major roadblocks:** Firms may benefit from offering training that focuses on specific diversity challenges, such as implicit bias. It's the most prevalent challenge involved in advancing diversity and inclusion, according to a substantial majority of the law firms that participated in the survey conducted by Big Law Business.

"Recognizing implicit bias is the first step toward addressing those issues," Silverthorn says. "The thing is to be mindful when you meet people of what opinions you're forming."

She recommends taking an online bias test, which can make participants realize they're more inclined to possibly doubt people because of factors such as gender, age or weight.

"[Firms have] spent millions on diversity initiatives, but retention rates are still low," Silverthorn says. "One of the things that has helped is having a frank discussion on not just the people coming in, but what they're coming in to. If you're not willing to address issues like implicit bias when it comes to mentoring programs or getting assignments, you'll never move the ball forward."

### FROM PLANNING TO PROGRESS

With recent studies suggesting companies with more diverse executive teams outperform their peers financially — increasing the amount of women in top management positions correlates with increased profitability and organizations with an inclusive culture are twice as likely to meet or exceed financial targets — legal managers may find it's easier than ever to convince their firm to augment its efforts.

"Beyond being the right thing to do, diversity is a driver of productivity and profitability," Morales says. "There's a business case for it."

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Legal managers can certainly lead the diversity and inclusion charge — but they can't do it alone.

To achieve a truly successful outcome, firm leadership will also need to provide unyielding support. Without it, managers may find affecting real change could be a continuously uphill battle.

"There is plenty of information out there, including from ALA, about how to build a diversity and inclusion pathway. But the program will wane if the central power of the firm is not invested in it," Birch says. "It has to be an ironclad belief in the value system of the firm. Without a really conscious effort to alter the systems that both flow in and out of law firms, everything will just roll along as it always has." ■

#### ABOUT THE AUTHOR

**Erin Brereton** is a freelance writer, editor and marketing consultant who has written about the legal industry, attorneys, business and other topics for 20 years.



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## CONTINUE THE CONVERSATION IN NATIONAL HARBOR

Diversity and inclusion takes center stage at this year's Annual Conference & Expo, May 3-6 ([alanet.org/conf18](http://alanet.org/conf18)). Two of the featured experts in this article will be on hand to further delve into the discussion.

**Elizabeth Birch** will deliver the Foundation of the Association of Legal Administrators' Brezina Memorial Session on Saturday. Birch will examine the effect of changing demographics on the U.S. workforce, the increase of client demand for diverse legal teams and the power of the law firm administrative role in the future.

**Manar Morales** will lead the session "How Gender Diversity Is Key to Organizational Success." She'll discuss how gender diversity is a key business strategy to sustaining an inclusive and diverse legal profession.

## NOT SURE WHERE TO START? ALA CAN HELP.



ALA offers a number of materials to help firms and legal departments can advance diversity and inclusion in the legal workplace.

For more information, view the:

- **ALA Diversity Toolkit** — providing a general overview of how to approach diversity and inclusion with tools to dig deep and inspire change: [alanet.org/about/diversity/ala-diversity-toolkit](http://alanet.org/about/diversity/ala-diversity-toolkit).
- **ALA Diversity & Inclusion Scorecard for Law Office Administrators** — featuring firm leadership, culture and other diversity and inclusion best practices to help administrators find and eliminate organizational barriers that limit opportunities to succeed: [alanet.org/about/diversity/scorecard-for-law-office-administrators](http://alanet.org/about/diversity/scorecard-for-law-office-administrators).