



Acceptance  
S U C C E S S  
*understanding*  
D E V E L O P M E N T

# The DRI Law Firm Diversity Retention Manual



© 2005 by DRI  
150 North Michigan Avenue, Suite 300  
Chicago, Illinois 60601

*All rights reserved. No part of this product may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system, without the express written permission of DRI unless such copying is expressly permitted by federal copyright law.*

Produced in the United States of America

# CONTENTS

- Foreword..... ii
- A Note from the Chair.....1
- Executive Summary.....2
  - A Foundation for Success .....2
  - Tools and Practices for Establishing and Maintaining Diversity.....2
  - Categories of Issues Identified.....3
  - Recommendations and Practices.....3
- Introduction.....4
- The Law Firm Diversity Committee.....5
- Challenges Facing Law Firms .....6
  - Missing or Inadequate Commitment at the Top.....6
  - Emphasis Only on Recruitment .....6
  - Failure to Acknowledge the Firm’s Culture .....6
  - Lack of Understanding of Diversity Phases.....6
  - Failure to Establish Specific Tactics.....7
  - Ignoring the Importance of Training and Development.....7
  - Failing to Understand the Implications of a Changing Workforce .....7
- Recommended Practices.....8
  - Attorney Teams .....8
  - Business Development, Networking and Receptions .....9
  - Educating Lawyers and the Firm’s Employees.....9
  - Goals and Objectives.....9
  - Hiring Guidelines and Strategies .....10
  - Initiatives .....11
  - Managing a Diverse Work Environment .....11
- DRI Survey Results .....14
- Model DRI Firms.....16
- Bibliography/References.....18
  - Books.....18
  - Articles/Journal Issues.....18
  - Websites for Minority Law Associations .....20
- Diversity Committee Leadership .....22

# FOREWORD



For a number of years, DRI as an organization has intentionally embraced the goal of promoting diversity. This institutional commitment to diversity has manifested itself in a number of ways, including diversity requirements for faculty of our Law Institute seminars, the establishment of diversity chairs on the steering committees of our substantive and practice area committees, implementation of the diversity reception at the annual meeting, and most recently, the award of annual diversity scholarships to deserving law students. DRI's diversity efforts are a priority for the Officers, Board and DRI staff, and are overseen by a standing Diversity Committee, currently chaired by H. Patrick Morris of Chicago's Johnson & Bell. A roster identifying the leaders of the 2005 Diversity Committee is appended to this manual.

In the ongoing effort to encourage and enable DRI member firms to promote diversity in the ranks of defense lawyers, DRI is pleased to publish this Diversity Retention Manual, a project of the Diversity Committee. This manual should prove to be a valuable resource for DRI member law firms who share DRI's commitment to diversity and understand the importance of intentional efforts to promote diversity from within.

This manual is the product of a steering committee comprised of the following dedicated DRI members for whom this recognition is but small thanks and reward: Patricia Alvarez of The Alvarez Law Firm, Laredo, Texas; Pam Carter of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, New Orleans, Louisiana; Shayana Davis of Johnston Barton Proctor & Powell LLP, Birmingham, Alabama; Cheryl Diaz of Thompson & Knight LLP, Dallas, Texas; Doug McIntosh of McIntosh, Sawran, Peltz & Cartaya, P.A., Fort Lauderdale, Florida; Julia Molander of Sedgwick, Detert, Moran & Arnold LLP, San Francisco, California; Carlos Rincon of Delgado, Acosta, Braden, & Jones, P. C., El Paso, Texas; and Roma Theus of Wellington, Florida.

It is obvious that these individuals devoted significant time and effort to this undertaking, and for that I take the liberty of thanking them on behalf of DRI and all those who will find this manual enlightening and useful.

RICHARD T. BOYETTE  
DRI President  
*Cranfill, Sumner & Hartzog, LLP*  
Raleigh, North Carolina

## A NOTE FROM THE CHAIR



The DRI Diversity Committee is the successor to the Minority Issues Committee that once existed to promote diversity among the membership. Both the former and the present committees are known as “standing” or “special” committees as distinguished from Substantive Law Committees. As the organization’s commitment to maintain a diverse membership became more pronounced following the adoption of the modern DRI strategic plan in 2003, the responsibilities and activities of the Diversity Committee grew in scope and stature. This handbook represents a further commitment by the organization to its member firms to provide guidance and support in assisting them in developing their own diversity programs and retaining those diverse lawyers in their practices.

For some time, clients have asked firms to sign statements in support of diversity in the legal profession. Most advocates for increased diversity in the legal profession have not objected to this stimulus, even if it resulted in law firms acting only in their “enlightened self-interest.” Most law firms now recognize the business case for diversity. Many firms, even previously well-intentioned firms, find themselves confronted with these mandates and struggling to implement diversity initiatives.

In the Spring of 2004, Sara Lee General Counsel Roderick Palmore created “A Call to Action: Diversity in the Legal Profession,” a document taking the commitment to diversity in law firms a step further by ensuring that corporate legal departments and law firms increase the numbers of women attorneys and attorneys of color hired and retained. If law firms don’t, the document states, “We [the undersigned 72 corporate legal department representatives] further intend to end or limit our relationships with firms whose performance consistently evidences a lack of meaningful interest in being diverse.”

In 2005, certain New York firms reached an agreement to provide clients with specific numerical data on diversity. (*See* New York Lawyer, May 13, 2005). Among the client signatories are Bank of New York, the Coca-Cola Company, Merrill Lynch and Prudential Securities.

As clients increasingly demand that their retained counsel represent a diverse cross section of the general population, firms have not only found it necessary to recruit women lawyers and lawyers of color, but they have also discovered that a recruitment strategy alone will not maintain this balance. Firms must also employ a strategy for retaining diversity that offers economic and social incentives designed to enhance the diversity experience for all employees and members of the firm.

H. PATRICK MORRIS  
Chair, DRI Diversity Committee  
*Johnson & Bell, Ltd.*  
Chicago, Illinois

# EXECUTIVE SUMMARY

## A Foundation for Success

---

Diversity is more than just a corporate program, but an integral part of a successful business and global strategy. The law firm is a very important piece of the corporate puzzle and to achieve diversity it is necessary to have the help, support and commitment of everyone involved. The law firm diversity committee is a great place to begin, as it forms the basis of a successful diversity program.

The strongest diversity committees are of a manageable size, contain a combination of associates and partners, and consistently report to the firm's managing partner or management committee. The work of the committee is typically published or circulated internally, and firm lawyers and staff have regular opportunities to interact with the members and offer feedback on the diversity program. Of course the size and composition of your committee will depend on your firm structure and culture, and these examples should be incorporated with that in mind.

## Tools and Practices for Establishing and Maintaining Diversity

---

There are number of elements shared between firms that have been, and remain, successful at their diversity initiatives. All of these firms recognize the need for diversity goals and business goals to coincide. They also share an understanding that in order to thrive as a program, there must be an openness to continue to look critically at the law firm's successes and failures.

Positive, workable approaches to diversity in the workplace have similar attributes. Many diversity committees have the participation and support of non-minority senior members of management that communicate the ideas and ideals of diversity to the firm. A system of accountability is in place for partners, associates and staff that governs the success or failure of recruitment and retention initiatives. Finally, the practice of recruiting and retaining more senior female attorneys and attorneys of color makes the firm more desirable to entry-level attorneys, and can even help to minimize attrition.

## Categories of Issues Identified

---

Although it may be difficult to imagine, any number of law firm diversity initiatives fail. The key to avoiding that end is to learn from the mistakes of those programs.

Some common characteristics of the failures are provided below:

- Missing or inadequate commitment at the top
- Emphasis only on recruitment
- Failure to acknowledge the firm's culture
- Lack of understanding of diversity phases
- Failure to establish specific tactics
- Ignoring the importance of training and development
- Failing to understand the implications of a changing workforce

## Recommendations and Practices

---

There are a variety of initiatives that can facilitate the development of a successful diversity program. Some of these include:

- Creating attorney case and trial teams that reflect gender and racial diversity;
- Taking advantage of marketing and networking opportunities in developing business contacts;
- Educating firm members and employees on diversity issues;
- Establishing clear goals and objectives for your diversity program;
- Implementing hiring guidelines and strategies to recruit lawyers belonging to a minority group;
- Incorporating diversity initiatives into firm culture and life; and
- Maintaining a diverse workforce by establishing a mentoring program designed and monitored by the committee.

It is important to remember that there is a long, hard road to achieving diversity. It is the hope of the DRI Diversity Committee that these examples may act as a guide to present and future diversity programs.



# INTRODUCTION

The suggestions found in the following chapters are not intended as a one-size-fits-all approach to recruiting and retaining lawyers of color. What works for a 400-member firm in New York City's Borough of Manhattan, will not in all likelihood work for a four-lawyer firm in Manhattan, Kansas. The reader should treat the programs listed in this manual as examples of the attributes of successful diversity programs. The final design of a given firm's diversity program is best left to the individual firm. We are confident, however, that the information contained in this work will provide a number of building blocks upon which to develop your diversity program.

As with all DRI publications and seminars, we welcome your thoughts and suggestions on this manual. Please feel free to comment to [policy@dri.org](mailto:policy@dri.org) at anytime. Your messages will be acknowledged and answered in the order they are received.

Acceptance  
SUCCE~~S~~  
*understanding*  
DEVELOP~~M~~  
OPE~~N~~



# THE LAW FIRM DIVERSITY COMMITTEE

The foundation of any successful law firm diversity program is an effective internal diversity committee whose principal mission is to establish, monitor and perpetuate your firm's diversity program. This committee is the primary mechanism for launching a diversity program, and its formation is the critical first step in creating a diversity program for those firms that have not formally adopted one. The size and composition of your committee depends on your firm's culture, and it is not the purpose of this manual to design individual diversity committees. We have discovered, however, that the strongest committees of this type have similar characteristics:



- The size of the committee is manageable with five to nine members serving as the optimum number<sup>1</sup>
- The committee is a blend of associates and partners with one staff member assigned for clerical and administrative purposes
- The committee chair reports to the firm's managing partner or management committee
- The committee meets regularly during the year, usually at intervals of three or four months
- The committee publishes or circulates literature on internal and external diversity issues or significant contributors to our nation's collective diversity
- The responsibility for management of the diversity program rests with the committee
- Firm lawyers and staff have regular opportunities to interact with members of the committee in both formal and informal settings
- Committee members seek feedback from firm lawyers and staff on their diversity program

---

<sup>1</sup> NOTE: On occasion large firms have successfully managed their diversity committees of 20 to 50 members. If the model of a firm's diversity committee calls for more than 20 members, subcommittees dedicated to each aspect of the diversity program should aid in the effectiveness and efficiency of the program.

# CHALLENGES FACING LAW FIRMS



Although it is difficult to admit that any number of law firm diversity programs fail, if firms understand the primary reasons for the demise of some programs, they increase the odds of success for their individual diversity initiatives. As with successful diversity programs, we have found that their unsuccessful counterparts share some common characteristics:

## *Missing or Inadequate Commitment at the Top*

In order for law firm diversity programs to succeed, there must be strong support for the firm's initiatives at the senior level of the firm. Programs generally fail that do not receive the commitment of top-management with established systems for measuring progress and accountability. The lack of involvement or participation is all the evidence that the naysayers need to resist participation.

## *Emphasis Only on Recruitment*

It is a short-sighted strategy to rely on recruitment as a primary means of creating diversity. Sole emphasis on recruitment will ultimately prove to be an ineffective strategy. While increasing the number of diverse lawyers through recruiting is necessary, recruitment should be viewed as an initial step in the overall diversity program. Without changes to the work environment and the presence of a diverse staff, the firm will simply create an environment that causes excessive attrition among women and attorneys of color. Retention of a diverse group of firm attorneys depends upon the firm's ability to create a work environment that uses differences as strengths.

## *Failure to Acknowledge the Firm's Culture*

An honest evaluation of the firm's environment is critically important to understand the present stage of the firm's level of development. This assessment should be done before launching a diversity program. A candid assessment of the firm's culture, its past and present hiring practices and the views of the firm's lawyers about diversity and promotion practices is essential to this process. In addition, internal firm policies should be updated to eliminate bias in compensation reviews.

## *Lack of Understanding of Diversity Phases*

Many firms fail to view the creation of a diverse firm as an evolutionary and developmental process. All firms must begin somewhere. A diverse law firm develops over time. Firms must realize that building a diverse and inclusive work environment is an ongoing effort. In the early stages of the first phase, firms need to identify opportunities and challenges, provide education and awareness, and develop a concrete

plan for diversity with clear benchmarks. The program has to be the “firm’s.” It cannot be one developed solely by an outside consultant, otherwise it will be the consultant’s program and not a program developed *by* the members of the firm, *for* the firm. If no buy-in from the firm’s lawyers is solicited, the lawyers will not understand the need for it, and the program will eventually fail.

### *Failure to Establish Specific Tactics*

In order to achieve the goals of the diversity plan in the areas of hiring, promotion, mentoring and retention, the firm must identify specific tactics for attaining their objectives and must understand how such tactics are utilized. One successful firm has completely reviewed and revised policies and practices affecting assignments of associates to particular partners, and the assignment of particular client matters to associates. Another successful firm has developed a program for awareness training, and has also created “hands-on” tools that can be employed to promote a diverse environment.

### *Ignoring the Importance of Training and Development*

Firms frequently fail to link training and development with firm-wide diversity objectives. This omission usually results in the firm’s inability to build an inclusive and diverse law firm. In addition, many firms have no follow-up. Sometimes action items are created, but no one has responsibility for them and no one has ownership.

### *Failing to Understand the Implications of a Changing Workforce*

The most enlightened firms understand the business case for diversity. The most important stimulus to a real commitment to diversity is a strong business case. In a survey of law firm diversity conducted by the MCCA, most firms agreed that their key driver was client demand.

# RECOMMENDED PRACTICES



Successful approaches to establishing and maintaining diversity by individual firms share some common elements. The more successful, diversity-leading law firms remain focused on development of a set of initiatives that align diversity goals with business goals. In all such cases, the firms' leaders realize that creating a diverse, inclusive law firm is not accomplished easily. They also share the understanding that at no point is the work complete. Being a successful diversity-focused leader requires both a sustained commitment over periods of years and the

openness to continue to look critically at the law firm's successes and failures. While there are a number of good practices, we have found that vibrant diversity programs share the following attributes:

- A. Committees are formed to address issues of diversity, recruitment and retention, and are led by key leaders within the firm. These committees involve a managing partner and a member of the firm's compensation committee to communicate the idea or notion that diversity goals are strongly supported by each member of the firm. Participation by senior members of management that are not lawyers of color or female is important and essential to the program. Designating a senior member of the firm to lead this effort removes several pitfalls, including: 1) diversity committees staffed primarily by women and minorities; 2) the lack of senior partner involvement; or 3) weak, decentralized efforts with few results.
- B. Firms serious about diversity establish a system of accountability for partners, associates and staff that governs the success or failure of the recruitment and retention initiatives. Incentives include rewarding attorneys for their work on the firm's diversity programs or tying the results to bonus-incentive pay for senior partners.
- C. The more senior the firm's attorneys of color, the greater a firm's chances of recruiting and retaining new attorneys of color. With more senior female attorneys and attorneys of color, a firm becomes more desirable to entry-level attorneys and better positioned to minimize attrition. This practice is more likely to succeed when it is made an integral part of a firm-wide diversity strategy.

## *Attorney Teams*

Modern clients demand that the composition of their case and trial teams reflect the diverse composition of the general population. An assignment of a firm's diversity program should include monitoring attorney teams to ensure they reflect gender and racial diversity whenever and wherever possible.

### *Business Development, Networking and Receptions*

Successful firms are masters at recognizing marketing and networking opportunities. Client development opportunities and development of a firm's diversity program are not mutually exclusive practices, and both serve as excellent vehicles to assist female lawyers and lawyers of color in developing valuable business contacts.

Firms should review and revamp internal policies and practices affecting the inclusion of lawyers of color and women lawyers in marketing efforts, including client contact. Sometimes identified as "Equal Treatment Programs," these activities focus on creating a plan to ensure that each attorney of color has significant client visibility and opportunities to develop relationships with senior law firm management.

Benefit is also derived from gearing internal public relations programs to notify clients of the firm's achievements and awards, and diversity-related activities. One successful firm in the south is persistent in contacting various organizations (ABA, DRI, etc.). This firm inquires about opportunities for its associates of color to participate in activities such as: writing an article for a publication, participating in a CLE program or becoming a "regional editor" for a publication. Once the firm obtains a spot for the associate, it supports the lawyer 100 percent and works with the associate to develop the article or craft the speech.

### *Educating Lawyers and the Firm's Employees*

The diversity committee is in the best position to educate the firm on diversity issues. Firm members and employees should be apprised of diversity-oriented dates of significance, cultural and historical dates of note and the role diversity plays in the greater society as well as the firm. The diversity committee should seek ways to celebrate diversity by recognizing such occasions as Tet, African-American History Month, Women's History Month and similar events that are not customarily observed in the legal environment. Internal publications relating to diversity all serve to enhance the program.

Perhaps the strongest tool available to a firm, however, is the establishment of a formal diversity training program. Training in diversity and inclusion is essential to build awareness and create a common language and understanding within the firm. The most successful diversity training program is mandated from the top-down, and partners can best utilize these programs to give female associates and associates of color the same constructive criticism concerning their diversity efforts that are given to all firm lawyers.

An effective method of enhancing the quality of such training is to involve key clients in planning and execution processes.

### *Goals and Objectives*

Establishing clear goals and objectives for your diversity program is a mandatory exercise. Specific objectives should include: 1) the establishment of a positive work

*Training in diversity and inclusion is essential to build awareness and create a common language and understanding within the firm. The most successful diversity training program is mandated from the top-down.*

environment; and 2) the identification of specific business development and economic opportunities for women lawyers and lawyers of color.

A **formal diversity statement** will also serve to guide the firm in maintaining the direction and scope of its program. Some firms have also found that establishing an **annual review of diversity objectives** is a helpful method of maintaining a strong program. Firms should also consider distributing an **annual diversity report** that is prepared by the committee. This document serves as a barometer for measuring progress, and functions as a subtle reminder of the firm's commitment to diversity.

If your local or state bar association has adopted a Commitment to Diversity or similar program, subscribe to it. If your firm is an existing subscriber, encourage non-subscribing firms to do so.

### *Hiring Guidelines and Strategies*

We recommend that your firm's hiring guidelines inform your recruiters to seek out lawyers who identify themselves as belonging to a minority group.

With that in mind, however, we further recommend that all candidates, regardless of diversity classification or diversity status, exhibit the same qualities required of all candidates (*e.g.*, academic excellence, oral and written skills, leadership) considered for firm employment.

The following are examples of suggested hiring and retention strategies:

- 1) Attend job fairs, particularly minority job fairs
- 2) Target women lawyers and lawyers of color in all recruiting programs
- 3) Recruit at universities where the percentage of diverse students is high
- 4) Hire laterals from business, local government or agencies representing minorities to enhance existing diversity programs
- 5) Sponsor or otherwise participate in minority career development events conducted by law schools or other groups
- 6) Promote minorities laterally within your firm
- 7) Include in your mentoring program those experienced lawyers who have recently merged with or joined your firm
- 8) Exhibit at events sponsored by minority and women's bar associations
- 9) Encourage firm members to become involved in diversity programs in your local community, as well as those sponsored by other professional organizations
- 10) Create an annual diversity award for your community, or establish an annual diversity scholarship for deserving female students and students of color—such scholarships should not necessarily be designed for law students
- 11) Employ minority high school and college students for summer work
- 12) Use the summer associate program as a vehicle to recruit a more diverse firm
- 13) Include legal work in your *pro bono* program that assists community programs for the under privileged and minorities.



- 14) Ensure female lawyers and lawyers of color are represented on all significant internal committees
- 15) Conduct an internal program on an annual basis to examine existing recruitment and retention practices and devise methods for improving such practices or develop new techniques
- 16) Establish a bonus program for those lawyers and staff who refer female lawyers or lawyers of color as new employees or lateral hires
- 17) Conduct exit interviews with female lawyers and lawyers of color who leave the firm
- 18) Support the participation of the firm's existing female lawyers and lawyers of color in other organizations and programs that focus on developing leadership and management skills
- 19) Dedicate a page(s) or a section of the firm's website to diversity activities and recognition of achievements
- 20) Develop and retain a physical or virtual library of resources on diversity-related topics
- 21) Include female lawyers and lawyers of color as speakers (both in-house and for clients) and as authors for newsletters or other publications that your firm sends to its clients
- 22) Support female- and minority-owned vendors, such as court reporters, investigators, printers and copy and delivery services among the firm's service providers

### *Initiatives*

It is recommended that a firm's diversity program develop clearly defined initiatives on any number of issues dealing with diversity. Most successful initiatives are administered by a separate chair and in the case of multi-locations firms, a national chair. Examples of such initiatives are a **Women's Program** that is designed to increase the chances for the success of female lawyers by identifying issues unique to them and supporting professional opportunities in the firm and the profession. A **Diversity Initiative** is another distinct program that can have as its goals a variety of targets including an increase in the percentage of minorities within the firm, the development of outreach programs or the creation of management opportunities for persons of color.

### *Managing a Diverse Work Environment*

The skills required to lead and manage a diverse workforce are easily learned, but they are also easily ignored unless firm culture emphasizes the role of diversity in the firm's success. To achieve success in diversity, it is critical for a firm to have a defined set of guiding values and principles. The firm must be consistent in its behavior and attitude, and develop policies and structures that work efficiently. Although there is

an infinite list of effective management techniques to govern the modern firm into which diversity is integrated, the following are some recommendations:<sup>2</sup>

### **Make Diversity-related Activities Billable**

No discussion about the implementation of a diversity program would be complete without a discussion about billable hours. It is easy to say that equal billable hour credit should be given to diversity-related activities, but it is harder to implement. Fortunately, the “business-case” for diversity, by which corporate clients monitor their law firm’s diversity efforts, have made it easier for firm management to understand the benefits for billable hour credit. Most law firms now understand the so-called “business case” for diversity. Firms cannot satisfy the goal of diversifying their organization unless they allow the attorneys involved in the process to recover a portion of the non-billable time spent on such initiatives.

*Most law firms now understand the so-called “business case” for diversity.*

### **Mentoring and Feedback**

A *formal* mentoring program will greatly assist firms in maintaining a vibrant diversity program and in maintaining a diverse composition. Like other facets of a firm’s diversity program, the mentoring program should be designed and monitored by the diversity committee. It is recommended that your firm implement a formal, written mentoring program, with careful selection of mentors who should include partners of the firm. The debate as to who should mentor whom is an active one, but we have found that this device works best when the mentor is a senior attorney who is not necessarily a woman or minority.

It is also critical to provide adequate training to mentors and mentees, and to ensure that the chair of the Diversity Committee and/or a managing partner regularly checks with women lawyers and lawyers of color to learn their individual perspective on how they are progressing with the firm and the effectiveness of the mentoring program.

Some successful law firms have a developmental program that pairs a young associate and the senior partner at the firm. One such senior partner had a young associate work with him on every project that he had, and the associate accompanied the senior partner on all business or CLE trips for a finite period of time, usually one to two years. Graduates of that program went on to unparalleled success.

Firms can further benefit from expanding their mentoring programs beyond their offices. Numerous universities and some high schools have established e-Mentoring Programs where students seek guidance on a variety of issues from professionals

---

<sup>2</sup> Some of these suggestions for maximizing productivity using your diverse lawyers and professionals are an outgrowth of the “Diversity Dialogue” sponsored by the Minority Corporate Counsel Association (“MCCA”). The MCCA is a pioneer in law firm diversity initiatives and, in addition to the other resources identified in this manual, their website is a valuable resource.



across the country. Establishing a partnership with an individual education institution is another method for enriching your experience.

### **Stereotypes**

Many lawyers of color feel that they have to work twice as hard in order to prove themselves. Many female lawyers of color feel that there is a double bias against them. Yet, most non-minority senior firm management would be surprised to hear such claims. People who have studied the retention issue understand that stigmatization and stereotyping play a role in job satisfaction and retention. Avoid making assumptions based on gender or cultural/ethnic and racial stereotypes or one isolated incident or mistake. As simplistic as this advice may sound in a professional environment, highly sophisticated individuals are not immune from the lingering effects of historical stereotypes. Stereotypes generate in people's minds certain expectations about the characteristics of individuals and groups. Certainly, the majority of enlightened law firms today exhibit no conscious discrimination, but firms need to be sensitive to stereotyping or stigmatization—an assumption about who a lawyer is *understood to be*. Firms must avoid the perpetuation of such stereotypes and must take care not to deny opportunities because of these assumptions. When coupled with inadequate mentoring and feedback, these assumptions based on stereotypes can pose a serious threat to retention of diverse attorneys.

### **Work Assignments**

It is recommended that firms adopt a work assignment policy to ensure that women lawyers and lawyers of color receive large case assignments that generate substantial fees and expose them to key clients, just like majority lawyers.

### **Strategic Planning**

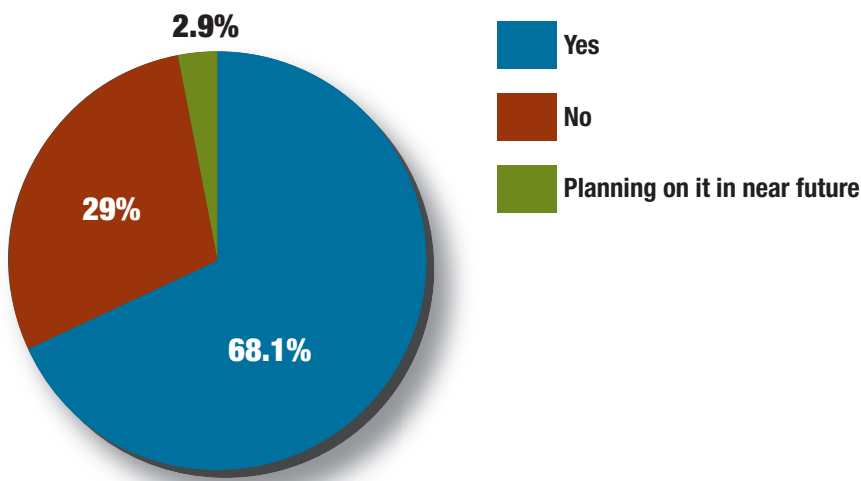
One of the most efficient ways to ensure that diversity is ingrained into your firm's culture is to build a diversity component into your strategic plan. The inclusion of diversity as one of the aspects of your comprehensive strategic initiative assures that it receives the same attention as the other vital facets of your vision.



# DRI SURVEY RESULTS

DRI collected research from its member firms regarding diversity issues and whether these issues caused the firm to modify or create a diversity plan in response to diversity initiatives in the legal industry. The statistics below represent responses from 69 law firms out of 4,476 that received the survey.

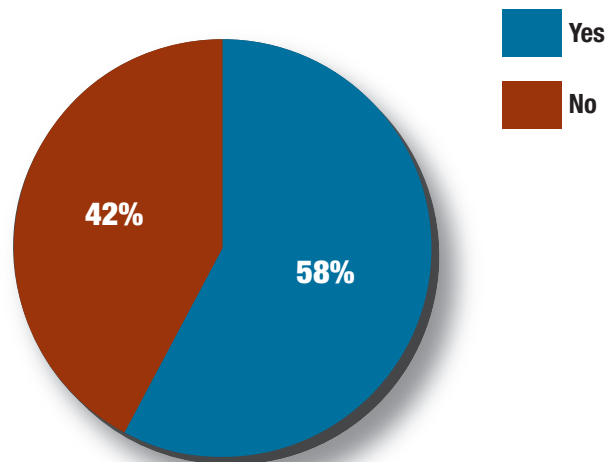
*Is diversity part of your strategic plan?*



A majority of DRI members polled reported that diversity was a part of their strategic plan. However, 20 percent answered “no” and didn’t have plans to incorporate diversity into their strategic plan in the near future.

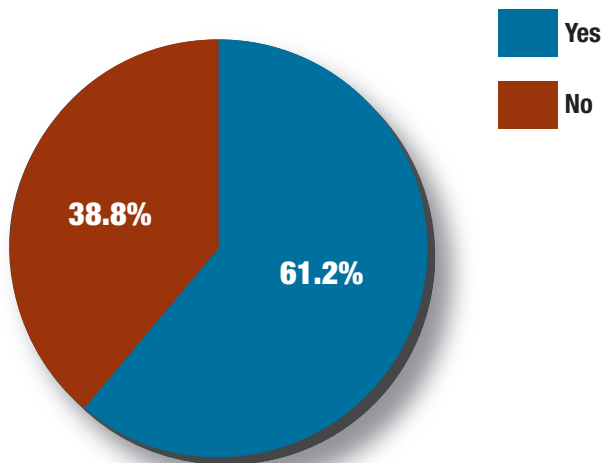
*Have clients encouraged/influenced your firm to increase diversity or to assign minority and women associates to their legal matters?*

There was not a great majority of firms who are influenced by clients in diversity decisions.

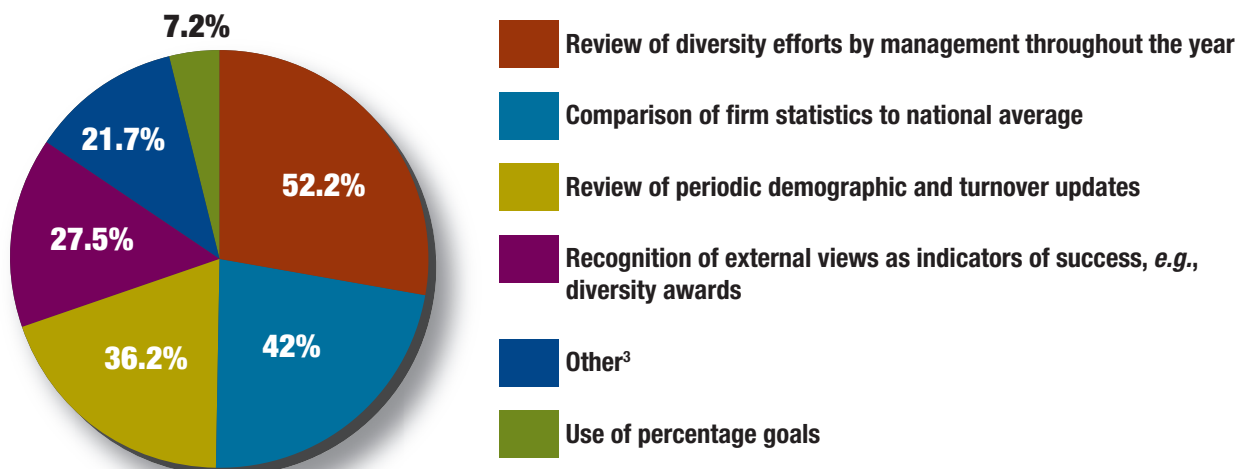


*Do you have a recruitment strategy that targets women and people of color?*

As with the previous question, there is not a great majority of firms that have specific recruitment strategies aimed at hiring women and people of color.



*Which, if any, of the methods of measurement below do you use to evaluate your firm's diversity efforts?*



<sup>3</sup> Some of the responses from the “Other” category included the following: hire the best person for the job; internal compass of what is right; hires are not dependent on sex or race; have a focused awareness on the issue, subjective assessment and more. These responses make up 21.7 percent of the DRI members who took this survey.

## MODEL DRI FIRMS

Just based on the short survey above, there seems to be a fine line between those firms who have a strategic plan towards increasing diversity and those who have more subjective reasoning in place. To look at this in depth, practical examples are provided of both ends of the spectrum from applicants for the DRI Law Firm Diversity Award.

HALLELAND LEWIS NILAN & JOHNSON has a formal diversity plan in place. One of the firm's six "Core Values" is Diversity, and its strong commitment to diversity is tangibly exemplified through a mandatory, firm-wide diversity training. A Diversity Focus Group was created, made up of 15 members from all levels of the firm, to put together the program for the diversity training.

In 2004, Halleland Lewis Nilan & Johnson held an off-site Diversity Day. The day consisted of outside speakers and discussion groups. A subcommittee was formed after the Diversity Day, and they focus on such aspects of firm business as marketing, recruiting, retention, career development and overall client satisfaction.

Clients have been pleased with the diversity statistics and programs in effect at Halleland Lewis Nilan & Johnson. One of their clients asks for a diversity breakdown monthly, and another client has an express policy of giving preference to vendors owned by women or minorities. However, the firm's desire to increase diversity comes from values within the firm, not from the encouragement and influence of clients.

A quick glimpse at the firm's diversity plan annual objectives reveals a strong focus on an active, hands-on mentor program and garnering sponsorships and support from organizations devoted to diversity. Recruiting efforts within the firm are monitored by the Diversity Subcommittee. Led by a female shareholder and an African American shareholder, the Diversity Subcommittee meets continuously and formulates recommendations that guide the firm's diversity efforts. The main ways the subcommittee reaches diverse candidates are through executive search firms and advertisements in minority publications.

Halleland Lewis Nilan & Johnson track diversity efforts mainly through comparing firm statistics to the national average and from comparing policy initiatives and firm programs to other firms. The main challenge they see to the success of their diversity initiatives is retention. To answer this challenge, they created a Career Path Planning program to get all attorneys engaged in their professional development and integration with the firm early on in their careers.

The second firm we are spotlighting, also an applicant for the DRI Law Firm Diversity Award, is BOWMAN AND BROOKE LLP. Bowman and Brooke does not have a formal diversity program, but instead practices diversity in leading by example. From Partner George Soule, “I don’t think of our diversity efforts as a program. I think of it as a way we do business and who we are as a firm.” The firm’s strategic agenda is in alignment with diversity.

Much like Halleland Lewis Nilan & Johnson, diversity is one of the core values of Bowman and Brooke. Taken from their Commitment to Diversity statement, “...Being committed to diversity is more than complying with employment laws; it’s about creating a workplace that promotes diversity and accommodating the needs of our employees. As a result, we are able to understand and better represent our clients, potential jurors and the public as a whole.”

One key way that Bowman and Brooke attorneys promote diversity is through their own service efforts within diverse communities. They feel they do more than say they are committed to diversity; their actions prove it. Even without a formalized diversity plan, Bowman and Brooke has been recognized by several associations and publications for the diversity of their defense practice.

In recruitment, the Hiring Committee pays close attention to the diversity of the firm. A Minneapolis hiring partner states, “We believe that people from different backgrounds and experiences can bring different analyses and problem-solving skills to bear on clients’ problems.”

Bowman and Brooke is responsive to the needs of a diverse community and believes this has helped win new clients and retain current ones. Recently they were approached by a large corporation to take on its legal work *because* of Bowman and Brooke’s commitment to diversity.

While they do not have a formal diversity plan in effect, Bowman and Brooke still seek to increase the firm’s diversity by adding more women and minority lawyers to the staff. Their goal for 2005 is to increase the number of Hispanic attorneys at the firm. To reach these goals, they use an executive search firm for hiring, which they feel allows them to focus their hiring efforts more specifically on minorities. In addition, attorneys are awarded referral bonuses and recently three minority associates were hired because of the referral system.

Bowman and Brooke’s main methods of measurement of diversity efforts appear to be by comparison of firm statistics to the national average, and by recognition of external views as indicators of firm success in promoting diversity. A smaller firm, Bowman and Brooke measures above average in diversity statistics compared to larger law firms. A final quote from a Bowman and Brooke attorney sums up the firm’s diversity efforts, “In searching for a job, I knew I wanted to work at Bowman and Brooke because of the trial experience and the commitment to community involvement. In my time here I have seen the increase in diversity awareness through actions, not policies.”

*...it’s about creating a workplace that promotes diversity and accommodating the needs of our employees. As a result, we are able to understand and better represent our clients, potential jurors and the public as a whole.”*

## BIBLIOGRAPHY/REFERENCES

### *Books*

- American Bar Association Resource Guide, *Programs to advance racial and ethnic diversity in the legal profession* Chicago: American Bar Association (2000).
- The Burdens of Both: The Privileges of Neither: A Report on the Multicultural Women Attorneys Network* A Joint project of the ABA Commission on Women in the Profession and The Commission on Opportunities for Minorities in the Profession Chicago, IL: American Bar Association, 1994
- Miles to Go 2000: Progress of Minorities in the Legal Profession* [Elizabeth Chambliss] Chicago, Ill.: American Bar Association, Commission on Racial and Ethnic Diversity in the Profession, 2005 (Third Ed.)
- Dear Sisters, Dear Daughter: Words of Wisdom from Multicultural Women Attorneys Who've Been There and Done That.* [Karen Clanton, editor] Chicago: American Bar Association, 2000
- Report of the Committee on Judicial Selection: Increasing Racial and Ethnic Diversity of Judges in Wisconsin Courts* [Wisconsin]: The Committee, 2000

### *Articles/Journal Issues*

- Diversity and Surprises: Departing President Archer saw minorities advance, handled unexpected issues. (ABA president Dennis Archer) Terry Carter. *ABA Journal*, Oct 2004 v90 p72 (1)
- In-house Lawyers Still Mostly White; employers rarely seek diversity; 2.8% of Fortune 500 GCs are minorities. Siobhan Roth. *The National Law Journal* August 14, 2000 v22 i51 pB6
- Losing Numbers; poor retention bogs down law firms' diversity efforts. James Podgers. *ABA Journal* July 2000 v86 p90(1)
- Minorities in the Profession: multicultural lawyers and law students have increased their numbers in both law schools and the legal profession, but many believe they still have miles to go. (Includes related articles on recruitment/mentoring and minorities' law school experiences) Annemarie Micklo. *Student Lawyer* April 1999 v27 i8 p23 (8)
- Michigan Bar Journal* June 1998 v 77 n6 features histories of several bar associations of nationalities. The journey continues: savoring past gains, minorities commission braces for tough work ahead. James Podgers. *ABA Journal* April 1997 v83 p102 (2)
- Survey: Boston firms lag in minority hiring. Ann Davis. *The National Law Journal* Dec 25, 1995 v18 n17-18 pA9

Reaching out to women of color: special report chronicles concerns over bias in the profession. (Multicultural Women Attorneys Network) Jill Schachner Chanen. *ABA Journal* May 1995 v81 p105(1)

There is no sisterhood: non-white women lawyers say they're still at the bottom of the heap. (Interview) Vicki Quade. *Human Rights* Winter 1995 v22 n1 p8 (5)

Unequal partners; it's tough at the top for minority lawyers. Steven Keeva. *ABA Journal* Feb 1993 v79 p50 (5). What about 'other minorities'? (Minority lawyers other than blacks) Diane C. Yu. *Compleat Lawyer* Summer 1987 v4 n3 p22(2) *Wisconsin Bar Bulletin* May 1984 v57 n5—Issue on minorities in the profession

### **American Bar Association Resource Guide**

ABA Center for Continuing Legal Education. *Valuing Diversity: Law Firms and Leadership in the 21st Century*. Audio and Video. Chicago: American Bar Association Center for Continuing Legal Education, 1999.

ABA Section of Business Law. *Diversity Plan, 1999*. Pamphlet. Chicago: ABA Section of Business Law, 1999.

ABA Standing Committee on Continuing Education of the Bar and the Center for Continuing Legal Education. *Valuing Diversity: Law Firms and Leadership in the 21st Century*. Video and Study Guide. Chicago: ABA Standing Committee on Continuing Education of the Bar and the Center for Continuing Legal Education. December 1999.

ABA Young Lawyers Division. *Going Beyond Words: Putting a Diversity Program in Place*. Pamphlet. Chicago: ABA Young Lawyers Division. December 1997.

ABA Young Lawyers Division. *Minority Pre-Law Conference*. Spring 1996. Pamphlet. Chicago: ABA Young Lawyers Division, 1996.

The Association of the Bar of the City of New York. *Don't Be Shocked, Be Ready*. Videocassette. New York: The Association of the Bar of the City of New York, 1996.

Bar Association of San Francisco. *Goals '99 Report: Goals and Timetables for Minority Hiring and Advancement*. San Francisco: Bar Association of San Francisco, 1999.

Chanen, Jill Schachner. "From Goals Toward Gains: Diversity Initiatives." *Perspectives For and About Women Lawyers*. Winter 1997. Chicago: ABA Commission on Women in the Profession, 1997.

*The CLEO Edge*. Quarterly Periodical. Washington: Council on Legal Education Opportunity. Council on Legal Education Opportunity. *Developing Partnerships to Increase Diversity in the Legal Profession: 1998 Annual Report*. Washington: Council on Legal Education Opportunity, 1998.

"Diversity Survey." *Chicago Lawyer*. May 1999.

"Faculty Retention: Developing, Communicating, and Implementing Tenure Standards." *AALS Newsletter*. April 1997.

- Law School Admissions Council. *New Models to Assure Diversity, Fairness, and Appropriate Test Use in Law School Admissions*. Newtown: Law School Admissions Council, 1999.
- The Massachusetts Bar Association. *Ensuring Equal Justice 1996*. Boston: The Massachusetts Bar Association, 1996.
- McCray, Risa C. and Lawrence S. Walter. "Perspectives on the Continuing Conversation on Race." *Dayton Bar Briefs*. March 1999.
- Moran, Rachel F., ed. *Perspectives on Diversity*. Washington: Association of American Law Schools, 1997. "Participants Enthusiastic About Minority Law Clerk Project." *Fairfax Bar Journal*. May 1997.
- Podgers, James. "Your ABA: Breaking Out of the Mold." *ABA Journal*. December 1999.
- "Racial Integration of Legal Education: Making Progress and Redoubling Efforts." *AALS Newsletter*. March 1996.
- "Report on Minority Admissions." Consultant's Digest, Vol. 8, No. 4, Fall 1998. [Insert in *Syllabus*, Vol. 29, No. 4, Fall 1998]. Chicago: ABA Section of Legal Education and Admissions to the Bar, 1998.
- "Retaining Faculty of Color." *AALS Newsletter*. August 1996.
- Reynolds, Walter. "Diversity and Inclusiveness: If Not Now, When? If Not Us, Who?" *Dayton Bar Briefs*. March 1997.
- Task Force on Minorities in the Judiciary, ABA Judicial Division. *Directory of Minority Judges of the United States*. Chicago: ABA Judicial Division, 1997.
- Thomas, David A. and Robin J. Ely. "Making Differences Matter: A New Paradigm for Managing Diversity." *Harvard Business Review*. September 1996.
- "Walking the Walk: Successfully Recruiting a Diverse Faculty." *AALS Newsletter*. April 1996.
- Wightman, Linda F. *LSAC National Longitudinal Bar Passage Study* with a historical introduction by Henry Ramsey, Jr. LSAC Research Report Series. Newtown: Law School Admission Council, 1998.

### *Websites for Minority Law Associations*

- Law School Admission Council: Minority Perspectives  
<http://www.lzac.org/LSAC.asp?url=/lsac/minorities-in-legal-education.asp>
- National Black Law Students Association  
<http://www.nblsa.org/>
- Hispanic National Bar Association  
<http://www.hnba.com/>
- National Asian Pacific American Bar Association  
<http://www.napaba.org>
- National Bar Association  
<http://nationalbar.org>



ABA Commission on Racial and Ethnic Diversity in the Profession

<http://www.abanet.org/minorities/>

Council on Legal Education Opportunity

<http://cleoscholars.com/>

National Native American Law Students Association

<http://www.nnalsa.org/>

NAACP Legal Defense Fund

<http://www.naacpldf.org/>

Native American Rights Fund

<http://www.narf.org/>

Equal Justice Society—Research

<http://www.equaljusticesociety.org/research.html>

# DIVERSITY COMMITTEE LEADERSHIP

Chair



H. PATRICK MORRIS  
*Johnson & Bell*  
Chicago, Illinois

Vice-Chair



TRACY ELISE POOLE  
*Johnson & Johnson*  
New Brunswick, New Jersey

Officer Liaison



WILLIAM R. SAMPSON  
*Shook Hardy & Bacon*  
Kansas City, Missouri

Steering  
Committee  
Members



PATRICIA O. ALVAREZ  
*The Alvarez Law Firm*  
Laredo, Texas



PAMELA W. CARTER  
*Baker, Donelson, Bearman, Caldwell &  
Berkowitz, PC*  
New Orleans, Louisiana



SHAYANA BOYD DAVIS  
*Johnston Barton Proctor & Powell LLP*  
Birmingham, Alabama



CHERYL DIAZ  
*Thompson & Knight LLP*  
Dallas, Texas



DOUGLAS MCINTOSH  
*McIntosh, Sawran, Peltz & Cartaya, P.A.*  
Fort Lauderdale, Florida



JULIA MOLANDER  
*Sedgwick, Detert, Moran & Arnold LLP*  
San Francisco, California



CARLOS RINCON  
*Delgado, Acosta, Braden, & Jones, P. C.*  
El Paso, Texas



ROMA THEUS  
Wellington, Florida







**150 North Michigan Avenue ■ Suite 300**  
**Chicago, IL 60601**  
**312.795.1101 ■ Fax: 312.795.0747**  
**E-mail: [dri@dri.org](mailto:dri@dri.org) ■ Website: [www.dri.org](http://www.dri.org)**