



**What Is Implicit Bias? Why It *Really* Matters,
and How It Can Be Reduced and Eliminated?**

William Snowden
The Juror Project
1307 Oretha Castle Haley #203
New Orleans, LA 70113

Jonathan R. Harwood
Traub Lieberman Straus & Shrewsberry LLP
Seven Skyline Drive
Hawthorne, NY 10532

William (Will) Snowden is the New Orleans Director of the Vera Institute of Justice. In this role, he continues and strengthens Vera's existing partnerships with criminal justice actors and community leaders while identifying new collaborative relationships with government entities and community organizations. Prior to joining Vera, Snowden was a public defender for five years representing New Orleanians in all stages of a case from arraignment to trial. Snowden also developed a focus and specialization in advocacy around reforming the procedures, systems, and policies around jury duty in an effort to promote diversity and representativeness in the jury box. Snowden also launched The Juror Project—an initiative aiming to increase the diversity of jury panels while changing and challenging people's perspective of jury duty.

Jonathan R. (Jon) Harwood is a partner at Traub Lieberman Straus & Shrewsbury LLP. Harwood has represented lawyers, accountants, insurance agents, manufacturers, corporations and religious institutions in all phases of litigation. Harwood has also analyzed coverage issues raised by professional liability and D & O policies, as well as represented Directors and Officers, directly, in various types of litigation. See more about Harwood at <http://www.traublieberman.com>. He is the Vice Chair of the Professional Liability Committee.

I. [Presentation](#)

II. **Supplemental Materials**

A. **Lost in Translation: Diversity in Practice Management and Navigating Generational Divides (page 4)**

B. **Effective Firm Leadership: Walk the Talk on Diversity, Equity, and Inclusion (page 17)**

C. **A Black Partner's Perspective: Why I Resist Casual Friday and Other Thoughts on Diversity and Inclusion (page 30)**

Lost in Translation

Diversity in Practice Management and Navigating Generational Divides

By Marta-Ann Schnabel and Angelica A. Zabanal

(Previously published in the October 2018 issue of *For The Defense*.)

People fail to get along because they fear each other. They fear each other because they don't know each other. They don't know each other because they have not properly communicated with each other.

—Rev. Martin Luther King, Jr.

Marta-Ann Schnabel is the managing director of O'Bryon & Schnabel LLC in New Orleans. She was the first woman president of the Louisiana State Bar Association and is a past president of the Louisiana Association of Defense Counsel. She is currently the DRI state representative for Louisiana, vice chair of the DRI Law Practice Management Committee, and a member of the Center for Law and Public Policy. Ms. Schnabel is AV-rated by Martindale-Hubbell and recognized as a Super Lawyer and as one of the 25 Top Women Lawyers in Louisiana. Angelica A. Zabanal is an associate in Selman Breitman's San Francisco office and is a member of the firm's commercial litigation, construction law, equine law, general liability, and product liability practice groups. Ms. Zabanal has represented national insurance companies in complex insurance fraud litigation and *qui tam* actions.

It is axiomatic that good communication leads to good leadership and good management. Since persuasive writing and speech are important aspects of the skill set for lawyering, attorneys often assume that they are also good managers. After all, don't we *communicate* for a living?

Many of us have learned the hard way that writing a brief or making an oral argument is not akin to the day-to-day grind of business management and firm leadership. The delicate balance of encouraging good work product, training young lawyers to be well-skilled and analytical, balancing mature (or immature) egos, and pleasing clients is not easily achieved. Clients, employees, staff, associates, and partners all have a distinct and individual prism through which they see and hear the world around them.

The keys to growing and managing the practice of law in the twenty-first century are to acknowledge those prisms while simultaneously identifying and highlighting their points of intersection. To do this, firm leaders must be aware of implicit bias and acknowledge inequitable traditions and assumptions. Firm leaders should strive to listen and be heard across cultural, generational, and gender differences. Communication and management skills are best honed through mutual understanding and respect. Understanding and respect are not automatic: managers should take the time and make the effort.

It is true that such time and effort take away from what law firms have historically identified as productivity or the “bottom line.” Traditional management styles have insisted that effort and initiative originate with subordinates, but the result is increasingly poorer outcomes for firms. Open management styles may well feel less than concrete and logical. They may require flexing the muscles of empathy in addition to intellect. They may require the resurrection of skills long left dormant. Any discomfort should be transitory, however.

If a successful practice requires that we learn how engineers build skyscrapers, or how accountants do calculations, or how doctors diagnose, surely law firm leaders are up to the challenge of learning how to communicate and manage across cultural and generational barriers. Firm leaders who find that their message sometimes gets “lost in translation” may be well-served by considering the best practices identified below.

What’s Diversity Got to Do with It?

According to a recent demographic analysis conducted by the Pew Research Center, by 2055, the United States will no longer have a single racial or ethnic majority. Similarly, the U.S. Bureau of Labor Statistics predicts that the growth of minorities in the United States workforce will double within the next 25 years. This trend will certainly affect the legal profession.

Currently, lawyers of color constitute only 8 percent of the law firm equity partners. Among this small percentage of equity partners of color, even fewer are women. The typical firm has 105 white male equity partners, seven minority male equity partners, 20 white female equity partners, and two minority female equity partners. Women comprise only 24 percent of Hispanic equity partners, 33 percent of black equity partners, and 29 percent of Asian equity partners. Moreover, few so Native American and Asian Pacific equity partners were identified that the median reported for both men and women was zero. *See Nat'l Ass'n Women Lawyers (NAWL), Report of Ninth Annual NAWL National Survey 6 (2015).*

The lack of proportionate representation and diversity on the managerial level of firms has led to a wage gap and unequal access to opportunities for growth within the legal profession. In 2015, the U.S. Bureau of Labor Statistics reported that women lawyers' salary was only 89.7 percent of male lawyers' salary. *See U.S. Bureau Labor Statistics, Highlights of Women's Earnings 2015, Table 2 (2015), <https://www.bls.gov/home.htm>, See also Am. Bar Ass'n Comm'n on Women, *A Current Glance at Women in the Law*, (Jan. 2017), <https://www.americanbar.org>. A report released in 2018, by the American Bar Association and the Minority Corporate Counsel Association (MCCA), and prepared by the Center for WorkLife Law at the University of California, Hastings, found that only 63 percent of white women, 59 percent of men of color, and 53 percent of women of color, reported that they had equal opportunities for high-quality assignments, compared with 80 percent of white men. Joan C. Williams et al., *You Can't Change What You Can't See: Interrupting Racial and Gender Bias in the Legal Profession* (Am. Bar Ass'n & Minority Corp. Counsel Ass'n, 2018), <https://www.americanbar.org>. These numbers may well explain why many firms are finding it difficult to prosper.*

Diversity within the workforce recognizes an appreciation for distinct differences among people, including, but not limited to, race, gender, sexual orientation, ethnic groups, age, religion, citizenship status, military service, political beliefs, and mental and physical conditions. The statistics cited above establish that diversity remains aspirational for our profession. Firms on the front lines of that aspiration acknowledge that a non-diverse work place often negatively affects the experience of minority and women lawyers. The best diversity initiatives reflect an understanding of the difference between equality and equity, which are not synonymous. While equality refers to equal treatment, equity addresses the effect of providing every individual with tools to be successful.

In 2015, the Supreme Court for the first time acknowledged unconscious bias in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.* In this case Supreme Court considered challenges to the Fair Housing Act of 1968, which forbids “disparate impact” discrimination—actions or practices that appear neutral on the surface but are racist in practice. According to Justice Kennedy, focusing on the disparate impact of a policy, rather than disparate treatment, acknowledges the role of “the unconscious prejudices and disguised animus that escape easy classification as disparate treatment.”

By embracing diversity initiatives aimed at equity and inclusivity, firms will be taking positive steps toward addressing the effects of unconscious prejudice and unintended disparate impact. Organizations that incorporate diversity and inclusion efforts into their culture and management practices hold a distinct advantage when it comes to recruiting, hiring, and retaining talent.

Rewards for Embracing Equity, Inclusion, and Diversity

Equity and inclusion initiatives not only rectify homogeneity in a workplace, they also provide long-term benefits. According to cumulative Gallup Workplace Studies, companies with inclusive cultures do better on the following indicators than those companies that are not inclusive: customer satisfaction is 39 percent higher, productivity is 22 percent greater, profitability is 27 percent higher, and turnover is 22 percent less. Marcus Robinson, Charles Pfeffer, & Joan Bucchrossi, *Business Case for Inclusion and Engagement* (wetWare, Inc., 2003). Gender diversity in the workplace also has positively influenced productivity, due in large part to the diverse set of skills brought by a diverse set of employees. See Sara Ellison & Wallace P. Mullin, *Diversity, Social Goods Provision, and Performance in the Firm*, 23 J. Econ. & Mgmt. Strat. 465–481 (2014). Moreover, decades of research regarding social, gender, and racial diversity confirm that socially diverse groups enhance innovative thought, problem solving, and creativity. See Katherine W. Phillips, *How Diversity Makes Us Smarter*, Scientific Am. (Oct 1, 2014), <https://www.scientificamerican.com>.

Studies have also shown that companies with inclusive cultures have a lower turnover, thereby allowing firms to bypass employee turnover costs, hiring costs, training costs, opportunity costs, morale costs, and the bottom line. See F. John Reh, *Learn About the Cost of High Employee Turnover*, The Balance, Careers (updated June 23, 2018), <https://www.thebalancecareers.com>. A 2014 survey conducted by Glassdoor found that two-thirds of the job applicants who were surveyed, including women, minorities, and veterans, consider diversity to be an important part of deciding where they want to work. Press Release, Glassdoor, *Two-Thirds of People Consider Diversity Important When Deciding Where to Work*, Glassdoor Survey (Nov. 17, 2014), <https://www.glassdoor.com>. See also Chirag Kuklarni, *Three*

Ways It Pays to Create a Diverse Workplace, Entrepreneur (Apr. 25, 2018), <https://www.entrepreneur.com>. This survey suggests that firms that offer a diverse environment will become more attractive to top talent. By investing in retaining their associates and personnel, law firms will also be able to avoid turnover costs and maintain morale, which ultimately benefit the bottom line of the firm. Caroline Turner, *The Business Case for Gender Diversity: Update 2017*, Huffington Post (Apr. 30, 2017), via <https://www.huffingtonpost.com>.

Resources Describing Good Management Practices to Minimize or Negate Implicit Bias

Firms that thrive during these challenging economic times have reframed their management focus. Rather than looking to reduce or eliminate bias, they have consciously pursued inclusion. On a practical level, that means taking the time and effort to attract, recruit, train, and retain employees so as to increase gender and ethnic diversity. Best practices include the following:

- Create an inclusive work culture that values women and men equally.
 - Close the gender pay gap.
 - Involve men as gender diversity champions.
 - Implement flexible work programs such as part-time work, remote work, paid family leave, and unpaid leave.
 - Eliminate biases in evaluations and promotions.
 - Create networking opportunities for women.
 - Offer executive coaching for topics including negotiation for pay, management and mentoring. *See* Marjolein Cuellar et al., *Proven Measures and Hidden Gems for Improving Gender Diversity*, The Boston Consulting Group (Sept. 12, 2017), <https://www.bcg.com>.
- Set up a diversity council or committee with gender, cultural, and position representation.

- Reach out to minority bar associations for job postings.
- Encourage firm participation in national diversity and inclusion conferences as well as local women's and minority bar associations.
- Support lawyers who are involved in leadership roles in these professional organizations.
- Remove unconscious bias in recruitment.
 - Removing identifying personal information allows firms to create gender-blind shortlists for internal promotions. Firms can also make key decisions that are based more on hard data and less on subjective, qualitative elements, such as comments on a candidate's personality or personal circumstances.
- Standardize the integration and training process for associates, at least for the first three months.
- Assure that diverse individuals are involved in recruitment.
- Use gender-neutral language in job postings and job descriptions.
- Support internal affinity groups.
- Respect everyone's self-identification; call everyone by their preferred name and pronoun.
- Develop and enforce a zero-tolerance sexual harassment policy, and encourage open discussion about what constitutes harassment.
- Be willing to challenge your assumptions about an applicant's ability to perform the work: give people a chance to prove themselves.
- Measure and report diversity job satisfaction, turnover, and long-term diversity representation.

- Set up professional development programs that target diversity, including mandatory tracking for diverse attorneys' access to meaningful work assignments and marketing efforts.
- Create opportunities for both mentorship and sponsorship.
 - A mentor is a source of guidance and advice.
 - A sponsor advocates for an employee's perceived success.

The Intergenerational Name Game: What the Heck Is a “Centennial”?

New generations will keep coming. Understanding generational differences is important to diversity efforts.

Identifying the Generations

Recognizing that the Beatles landed in New York more than 50 years ago now, many nonetheless mark that event as a symbol of the historic divide between the generation of World War II veterans (b. 1925–1945), and the baby boomer (b. 1946–1964) generation. Watergate, followed by the AIDS epidemic and the Challenger disaster, are similarly identified as symbolic of the “new era” heralded by Gen Xers. Millennials (b. 1980–2000) came of age in a world where Oklahoma City was attacked by home-grown radicals, high schoolers in the Denver suburbs opened fire on their classmates, the World Trade Center was decimated by foreign radicals, and the digital world expanded. Gen Z, or “centennials,” are the emerging generational cohort, identified as those who were born late in the 1990's and into the 2000s. These are the true digital natives. We may not yet see them as lawyers, but they will soon be staffing our firms and entering law school. Startlingly, centennials make up 25 percent of the country's population.

Just because we have labelled each group does not mean that these generations understand each other or communicate well. Boomers remember their parents complaining about rock music and long hair; Gen Xers are criticized for their lack of loyalty to hierarchy and tradition; and millennials are criticized as so digitally connected that they are personally disconnected and unambitious. “Centennials” are perhaps too young to be identified with any set of negative traits yet, but certainly they are likely to have even higher expectations that technology will promptly respond to and satisfy their needs.

Do Generational Issues Really Matter?

A diverse and healthy work force includes individuals of different backgrounds, ethnicities, genders, and ages. There is little doubt that the legal profession is “graying.” American Bar Association statistics show that the median age of lawyers in 1980 was 39, compared with age 49 in 2005 (which seems to be the last time that the ABA asked about age). Some reports indicate that only 4 percent of the lawyer population (pegged at 1.3 million in 2017) is under the age of 29.

While waiting for the “old guy” to retire was part of the advancement process in 1990s, these days, the office may well be empty, and the firm shuttered, when the last “old guy” retires. Business survival requires better communication with and understanding of the younger generation.

Toxic Talk Is Not Productive

Complaining, gossiping, and venting (dare we mention “ranting”?) may feel good in the moment. However, giving voice to frustration or disappointment in a vacuum seldom renders positive results. Good managers treat each employee as an individual rather than as a representative of his

or her ethnicity, race, age, or gender. Good managers communicate expectations and ask for feedback about whether the expectations are realistic. Good managers recognize that there is room for individualism or creativity in each task, assignment, or project.

Focus on Similarities

As much as generational differences exist, so, too, do generational similarities. Focusing on mutual values can help identify those similarities. All generations value the following:

- meaningful work;
- the opportunity to grow and learn as a professional;
- feeling appreciated;
- knowing that their input matters;
- relief from intense stress;
- some control over their work; and
- opportunities for advancement.

Recognizing Differences Is Not Self-Defeating

Not everyone thinks the way that you do. Not everyone communicates the way that you do. Even though your way is the better way (even though you sign the checks), respecting differences in communication styles, motivation, and reward systems can improve outcomes as well as the bottom line. Analyzing the style and approach that gets the best result *is* worth the time and effort in these areas:

- Ask yourself, what technical expectations do you have, and do others' abilities match?
 - Can you solve the problem by training?
- Managers should strive to adjust communication to align with generational styles.

- Let the younger folk know that you are trying.
- Subordinates should strive to adopt communication styles in keeping with office culture.
 - Feel free to discuss office culture openly.
- Implement reward systems that account for differing motivations.
- Acknowledge the effort to accomplish work–life balance.
- Value employee opinions and create environments that demonstrate that their opinions are valued.

Establish Workplace Etiquette

We all learn by example, and no one is too old to learn new ways of doing things. Respect is crucial, as are clearly delineated expectations, described in a conversation rather than by fiat.

- Mentoring is a two-way street.
- Be flexible and patient.
- Be courteous.
- Assign tasks in context.
- Break up the routine.
- Provide regular feedback.
- Be open to technology.
- Offer opportunity.
- Dress to show respect.

Introspection and a Dash of Humility Never Hurt Anyone

As experienced as managers are, they can *occasionally* be wrong. Establishing policies and practices that feature some humility can be very effective.

- Implement a two-way mentoring program between younger and seasoned attorneys.
- Spend time and energy understanding the triggers that make people want to leave.
- Institute a holistic evaluation process.
- Facilitate dialogues within work teams.
- Consider generational differences when assigning work—and acknowledge that you have.
- Encourage intergenerational dialogue.

Remembering the Bottom Line

Promoting diversity from the management level down to the office staff is certainly challenging. However, clinging to outmoded models is not simply socially and morally antiquated; it is likely to be economically disastrous for your firm. Most importantly, define success, reward it when it happens, and acknowledge that much can be learned from a misstep. Meeting the diversity challenge head-on is sure to increase workplace satisfaction, which in turn will improve client service and profitability.

Additional Resources

Am. Bar Ass'n Diversity & Inclusion 360 Comm'n, *Implicit Bias Videos and Toolkit*,

<https://www.americanbar.org/aba.html>.

DRI Diversity Comm., *Diversity and Inclusion Tool Kit: A Resource for Law Firms,*

Corporations, and State and Local Defense Organizations (DRI, 2015), <https://www.dri.org>.

Nat'l Ass'n for Law Placement, *Diversity Best Practices Guide* (2016 ed.),

<https://www.nalp.org/home>.

Joan C. Williams et al., *You Can't Change What You Can't See: Interrupting Racial and Gender Bias in the Legal Profession* (Am. Bar Ass'n & Minority Corp. Counsel Ass'n, 2018).

Effective Firm Leadership

Walk the Talk on Diversity, Equity, and Inclusion

By Kathleen Nalty

(Previously published in the September 2020 issue of *For The Defense*.)

Kathleen Nalty is a lawyer, author, and consultant who helps legal organizations advance diversity, equity, and inclusion (DEI). She has received ten awards for her groundbreaking work in DEI. In 2019, she published the second edition of *Going All-In on Diversity & Inclusion: The Law Firm Leaders' Playbook*. Previously, Ms. Nalty founded the Center for Legal Inclusiveness (CLI) in Denver, Colorado, and led the nonprofit as its executive director for over five years. Early in her legal career, she worked as a federal civil rights prosecutor for the U.S. Department of Justice in Washington, D.C., where she prosecuted hate crimes, slavery, and police brutality cases.

Few leaders intend to be unfair in their management of the talented, diverse individuals who they have recruited and hired. But that is still what happens daily in most law firms.

Most law firm leaders can talk the talk on diversity, equity, and inclusion (DEI), and their commitment is usually genuine. But can they actually walk the talk? Have they cultivated competencies around diversity, equity, and inclusion so that they can effectively lead their firms on these issues?

The answer to this question is critical because research shows that organizations with more advanced DEI efforts are higher performing. J. Bersin, *Why Diversity and Inclusion Will Be a Top Priority for 2016*, *Forbes* (Dec. 6, 2015). And the most effective leaders are the ones who are more inclusive. J. Zenger & J. Folkman, *Leaders Aren't Great at Judging How Inclusive They Are*, *Harv. Bus. Rev.* (Oct. 26, 2017). For instance, research by Deloitte shows that teams with inclusive leaders are 17 percent more likely to report that they are high performing, 20 percent more likely to say that they make high-quality decisions, and 29 percent more likely to

report behaving collaboratively. J. Bourke & A. Espedido, *Why Inclusive Leaders Are Good for Organizations, and How to Become One*, Harv. Bus. Rev. (Mar. 29, 2019).

Given the reckoning happening in our society on racial injustice and systemic bias, there has never been a greater or more urgent need for inclusive leaders. So, what do inclusive leaders do that non-inclusive leaders don't do? They cultivate a work environment in which everyone reports that they are:

1. equally advantaged (because hidden barriers to success, caused mostly by unconscious bias, have been removed);
2. appreciated (because all differences are recognized and valued);
3. empowered to be fully authentic by the firm and with one another (so they don't have to leave their identities at the door to be successful);
4. fully informed and knowledgeable about what they need to do to attain higher levels of personal and organizational success (a byproduct of more transparency);
5. included in all pertinent processes and decisions, as well as the social fabric of the organization; and
6. engaged and motivated to bring their best work to bear on the firm's success.

By defining what an inclusive law firm looks like, leaders can model specific behaviors that cultivate this type of environment. They can also be evaluated on their effectiveness, and firms can begin to measure progress in advancing inclusion overall.

Equally Advantaged

The American Bar Association published studies in 2018 and 2019 documenting, yet again, how diverse attorneys in legal organizations are disproportionately affected by hidden barriers to success. J. Williams et al., *You Can't Change What You Can't See: Interrupting Racial &*

Gender Bias in the Legal Profession, ABA & MCCA (2018); R. Liebenberg & S. Scharf, *Walking Out the Door: The Facts, Figures, and Future of Experienced Women Lawyers in Private Practice*, ABA (2019). Straight, white male attorneys do run into these barriers, but attorneys in underrepresented groups (women, racially/ethnically diverse, LGBTQ+, and those with disabilities) are affected at much higher rates, which, in turn, cause higher attrition for attorneys in these groups. For example, the 2018 study found that white male attorneys have access to high-quality assignments at a rate 28 percentage points higher than female attorneys of color. The 2019 study determined that while 3 percent of men lacked access to sponsors, 17 times more women—almost 46 percent—have no sponsor. Further, while nearly 7 percent of men were denied a promotion, eight times more women—nearly 53 percent—were denied a promotion. Inclusive leaders understand that creating an inclusive environment requires removing hidden barriers for everyone, including straight, white men, *and* focusing more intently on the underlying issues that cause higher rates of exclusion and attrition for attorneys in underrepresented groups.

In particular, inclusive leaders understand that unconscious bias is the primary driver of the inequitable opportunities disproportionately affecting attorneys in underrepresented groups. Most law firms are full of good, well-intentioned people who unwittingly spend more time with and give more opportunities to people who are more like themselves. This is a specific type of unconscious cognitive bias called “affinity bias.” While conscious biases can certainly affect talent management decisions, it is the unconscious affinity bias that primarily influences decisions of good, well-intentioned people that allows the hidden barriers to thrive. Over 70 percent of partners in U.S. law firms are white men, so it is no wonder that lawyers in underrepresented groups have disproportionately less access to critical career opportunities.

Inclusive leaders take personal responsibility for this unfortunate dynamic and work to de-bias themselves, others, and organizational processes. The racial justice movement has done a good job of raising people’s awareness to how racism pervades every aspect of our society, but inclusive law firm leaders must take an equity lens to all internal systems and processes as well to ensure they are equitable and not the product of bias—affinity bias in particular.

There are six everyday behaviors that differentiate inclusive from non-inclusive leaders in ensuring that all attorneys are equally advantaged, which is the first component of an inclusive law firm. Inclusive leaders (1) develop expertise in unconscious bias; (2) use tools for uncovering personal unconscious bias; (3) implement research-based techniques for interrupting biases; (4) audit their own behaviors for unconscious affinity bias, which is the tendency among people to favor those more like themselves; (5) uncover instances of hidden barriers in a firm caused by biases and implement systemic changes to eliminate them; and (6) invest time and effort developing all attorneys equitably.

Behaviors that Ensure Equal Advantages for All Versus Those that Don’t

Inclusive Leaders	Non-inclusive Leaders
Develop expertise in unconscious bias	Engage in minimal, check-the-box training on unconscious bias
Use tools for uncovering personal unconscious biases	Don’t go to the trouble of learning about their own unconscious biases
Implement research-based techniques for interrupting biases	Don’t use any methods for interrupting biases
Audit their own behaviors for unconscious affinity bias (the tendency to favor those more like themselves unknowingly)	Exhibit affinity bias, giving more access to critical career opportunities to attorneys who are more like them
Uncover instances of hidden barriers in the firm (caused by biases) and implement systemic changes to eliminate them	Don’t know about hidden barriers or the disparities in opportunities in their firm, let alone do something about them

Invest time and effort developing all attorneys equitably	Invest more time and effort into the success of those in their own affinity group
---	---

Recognize and Appreciate Differences

Inclusive leaders know that cognitive diversity or diversity of thought is not enough; social identity diversity does play a critical role in decision-making groups. K. Phillips, *How Diversity Makes Us Smarter*, Sci. Amer. (Oct. 1, 2014). Research shows that social identity diversity causes cognitive friction, which disrupts groupthink and prompts higher levels of critical and analytical thinking in groups, leading to better decisions and higher levels of organizational performance. See S. Levine et al., *Ethnic Diversity Deflates Price Bubbles*, PNAS (Dec. 30, 2014). Diversity in decision-making groups is critical, not just in business decisions, but in client matters as well. This is why dozens of law departments participating in Diversity Lab’s “Move the Needle” initiative are only engaging outside counsel teams that are 50 percent or more diverse and hundreds of additional GCs are insisting on diversity. See *Businesses Double Down on Mandating Diversity from Outside Counsel*, A.B.A. J. (May 1, 2019). Inclusive leaders know that differences are valuable, and they intentionally leverage differences to gain a competitive advantage.

The inclusive leaders who recognize and appreciate differences engage in certain everyday behaviors that differ from the behaviors engaged in non-inclusive leaders. Recognizing and appreciating differences is the second component of an inclusive law firm.

Behaviors that Recognize and Appreciate Differences Versus Those that Don’t

Inclusive Leaders	Non-inclusive Leaders
Know that social differences contribute to better decisions	Believe and act as if social identities are irrelevant

Seek and form relationships with people from a wide variety of social identity groups and backgrounds	Have a circle of friends and colleagues that is very homogenous
Spend time learning about cultural and social differences and incorporate that information into their thinking (inclusive intelligence)	Are not curious about people from different social identity groups or cultures
Seek divergent information and ideas to inform their own decisions better	Are uncomfortable with people who may have different views and ideas

Authenticity

In organizations in which everyone’s differences matter and are valued, people can bring their full selves to their work and don’t have to spend time hiding or minimizing their differences, which is also called “covering.” Research by New York University Law Professor Kenji Yoshino found that covering is far more prevalent among people in underrepresented groups who feel pressure to assimilate in organizations. K. Yoshino & C. Smith, *Fear of Being Different Stifles Talent*, Harv. Bus. Rev. (Mar. 2014). However, this research shows that 45 percent of white men also report covering one or more identities to fit in. This goes to show how stereotypes and biases influence an organization’s culture when significant numbers of people have to change who they are fundamentally to succeed.

In an inclusive organization, people feel safe to be themselves, which necessarily increases their engagement, productivity, and performance. Inclusive leaders make everyone feel safe by engaging in behaviors that are affirming of others and their differences.

Certain, everyday behaviors allowing everyone to be their true, authentic selves set inclusive leaders apart from non-inclusive leaders.

Behaviors that Support Authenticity Versus Those that Don’t

Inclusive Leaders	Non-inclusive Leaders
Fight the stereotype of the “ideal lawyer” and focus on a wide variety of attributes defining what it means to be a successful lawyer	Measure people against the “ideal lawyer” prototype—either explicitly or implicitly
Commit micro-affirmations that make people feel valued for who they truly are and for the differences that they bring to the team	Commit micro-inequities and aggressions that make certain people feel like outsiders if they diverge from the “norm” in any way
Hold others accountable for valuing others and differences; call out micro-inequities and non-inclusive behaviors of others	Don’t even notice when others are subtly made to feel “othered”

Transparency

Making processes more transparent and information more available are critical because attorneys in underrepresented groups have disproportionately less access to the unwritten rules and insider information in law firms. If everyone knows what they need to know to be successful, they feel more connected and empowered to do their best work. Inclusive leaders work to build greater transparency into everything.

Comparing the everyday behaviors of inclusive leaders with non-inclusive leaders regarding transparency takes courage.

Behaviors that Establish Transparency Versus Those that Don’t

Inclusive Leaders	Non-inclusive Leaders
Have the courage to be as transparent as possible	Are more comfortable engaging in black box processes so that they don’t have to explain or justify different outcomes for different people
Build a discussion about diversity, equity, and inclusion into every major communication	Never think about adding DEI to meetings or communications
Make sure that everyone has equal access to essential information, especially that which affects their jobs, without compromising	Foster situations in which only insiders and their proteges know important information

confidentiality	
Ensure that the rules of success are available to all	Contribute to a dynamic that reinforces “unwritten rules” to success to which only insiders have access

Include Others

Unconscious bias causes attorneys in underrepresented groups to be disproportionately excluded from a variety of opportunities: invitations to networking events, internal networking and relationships, stretch work assignments, mentor and sponsor relationships, training and development, client contact, assignment to influential committees and leadership positions, as well opportunities to attend meetings and participate in decisions. This hinders them from having the experiences, visibility, or influence needed for promotions.

Additionally, if a diverse attorney is the only one belonging to a social identity group in the firm, the attorney can experience a form of social isolation called “only-ness” that sets the attorney apart as different, and often not in a positive way, given the prevalence of stereotypes and implicit biases.

Inclusive leaders include people, not only because it is the right thing to do, but also because it fosters better decisions and outcomes as well as engagement and retention. Inclusive leaders also know how important it is to foster a sense of belonging for everyone in the firm by ensuring that people are included in the social fabric of the firm. Further, inclusive leaders build a culture that is psychologically safe, making people feel welcome to contribute different perspectives and ideas, even if they go against the grain.

Behaviors that Foster “Including” Everyone Versus Those that Don’t

Inclusive Leaders	Non-inclusive Leaders
Regularly ask, “Who’s missing?” when forming decision-making groups or teams as a reminder to add diversity intentionally to bring in diverse perspectives and the cognitive friction that leads to better decisions	Form decision-making groups without regard to diversity and therefore have many homogenous groups and teams that experience groupthink
Build a critical mass of attorneys from different social identity groups to combat “only-ness” and social isolation	Don’t even notice “onlys”
Spend equitable time investing in the success of every attorney and making sure that they are included in meetings, social events, client pitches, etc.	Don’t track the opportunities that people receive and exhibit affinity bias by spending more time with and including people more like themselves
Seek contrary ideas and perspectives and create an environment in which everyone feels safe contributing, which maximizes diversity of thought	May talk about the value of diversity of thought, but many people in the firm do not view the talk as authentic and are afraid to speak up

Engagement and Motivation

Motivating and engaging teams of attorneys that are diverse, in terms of social identities, learning styles, thinking styles, and personality preferences, to name a few, require leaders to learn about and then incorporate all of those differences into their thinking and actions. Leaders who rely only on their own personal worldview and experiences have blind spots and fail to engage diverse teams or groups at their highest level.

Inclusive leaders engage in everyday behaviors and actions that non-inclusive leaders fail to undertake to motivate attorneys from all backgrounds and groups to do their best work and achieve at their highest level.

Behaviors that Motivate and Engage Attorneys from All Backgrounds Versus Those that Don’t

Inclusive Leaders	Non-inclusive Leaders
Learn about colleagues to find out what is important to them, what their ideas and perspectives are, how they view the world, and what motivates them	Assume that everyone has the same world view (or should have the same view)
Deliberately flex across social differences to incorporate others' preferences, ideas, etc. to engage and motivate them at the highest level	Treat everyone the same as they would want to be treated (golden rule), instead of the way others prefer to be treated (platinum rule), which is far more motivating
Consistently communicate the value of diversity and inclusion	Don't really understand the difference between diversity and inclusion

Communicating About and Formalizing Leader Inclusiveness Competencies

It is important to be specific regarding competencies in inclusion so that leader behaviors and actions can be observed and measured, not only to enable leaders to set goals and benchmark the development of their skills, but to burst the “illusion of inclusion.” One study revealed a paradox: the least inclusive leaders, as reported by their colleagues, were overconfident, believing they were the most inclusive, while the leaders who got the highest marks for inclusion by their colleagues were the least confident that they were inclusive. Zenger & Folkman, *supra*.

No one can say that they are inclusive; it is up to the people you seek to include to evaluate whether you are actually inclusive of them. Thus, leaders should seek feedback on whether they are perceived as inclusive, especially from people from different social identity groups. This will help leaders to see their blind spots, strengths, and opportunities for development. It will also signal that diversity, equity, and inclusion are important. Many large companies, such as Procter & Gamble, have upward appraisal evaluations that measure the inclusiveness competencies of leaders, supervisors, and managers, and reports generated from the results target areas for growth.

Law firms that reach the level of organizational maturity where upward reviews are taking place probably also have leaders who exhibit key traits that research shows are more important to the people they lead: acknowledgement of bias, humility in addressing bias, empathy in interacting with others, and an ability to take others' perspectives. Research shows that when leaders exhibit these characteristics, feelings of inclusion in the workplace increase by 33 percent. Bourke & Espedido, *supra*.

In addition to upward evaluation, experts recommend that leaders create a *diverse* advisory board consisting of people from a wide variety of positions, identities, and backgrounds to give candid and constructive feedback on behaviors and competencies regarding inclusion. *Id.* Some of the examples of feedback on everyday behaviors suggested by the researchers include the following:

- Does the leader give equal time to all meeting participants, or favor those who are co-located over those participating remotely?
- Does the leader always use one gender when giving examples (e.g., “he” instead of “she,” or “she or he”)?
- Does the leader use a broad spectrum of imagery accessible to diverse audiences or just one social identity group (e.g., sports metaphors)? *Id.*

Additionally, an advisory board can give leaders ongoing feedback as they test more inclusive behaviors to determine whether changed behaviors are hitting the mark.

Leaders can help everyone build fluency and capability by including a “DEI moment” on meeting agendas, which allows people to discuss experiences and aha moments that they have experienced. The competencies gained in DEI at work can carry over into people's personal lives, as well. In one law department, a white male paralegal pointed to the DEI moments as

having had a profound effect on his own thinking and behaviors. One of his relatives had just come out as transgender, and the paralegal acknowledged that if that had happened before his participation in the meetings with DEI moments, he might have excommunicated the relative. But since engaging in these transformative discussions, he found that he had more empathy and understanding and was planning on being more inclusive of the relative.

Some Final Thoughts

Are hidden barriers thriving on your watch as a law firm leader? Few, if any, leaders wake up each morning with the intent to be profoundly unfair in their management of the expensive talent assets that they have recruited and hired into the firm, no matter how diverse. But that is effectively what is happening on a daily basis in most law firms, and attorneys in underrepresented groups are bearing the brunt of this dynamic, due to implicit biases. While most law firm leaders view themselves as having the best intentions toward advancing diversity, equity, and inclusion, those good intentions are not enough and never will be as long as unconscious biases go unaddressed. If you're not intentionally including, you're unintentionally excluding—some groups of attorneys more often than others. Inclusive leaders walk the talk by making transformational change to eliminate the hidden barriers. They also walk the talk in order to live up to this larger moment in history where we are all called to uncover racism and eliminate it.

The bottom line is that inclusive leadership is a critical twenty-first century skill that can be learned, practiced, and modeled for others. Law firms lag behind many of their clients in incorporating the principles of inclusion and building personal and organizational inclusiveness competencies in leaders. But it is worth the investment since inclusion has been shown not only to make diversity work, but to make *everything* work better in organizations, including racial

equity. *See* Bersin, *supra*. Some might argue that inclusion is *the* most essential leadership capability.

A Black Partner's Perspective

Why I Resist Casual Friday and Other Thoughts on Diversity and Inclusion

By Orlando R. Richmond, Sr.

(Previously published in the July 2020 issue of *For The Defense*.)

Orlando “Rod” Richmond Sr. is a partner in Butler Snow’s Jackson, Mississippi office, where he focuses his practice on product liability and environmental law. He has nearly thirty years of experience and served as lead counsel or co-counsel in numerous jury trials in state, federal, and military venues. He has tried at least sixty cases to verdict, and his trial practice over the past several years has primarily focused on mass tort litigation involving pharmaceutical products, toxic torts, and environmental issues.

[Law firm efforts to recruit and retain diverse attorneys are often hamstrung by unconscious biases that must be addressed.](#)

I knew that I was going to be pulled over and that part of the encounter was entirely appropriate.

I was speeding early one morning on a two-lane highway near my home when a highway patrolman passed me on a curve, traveling in the opposite direction. He quickly disappeared over a hill and had not activated his blue lights. Just the same, I steered my late model luxury car onto the side of the highway, put it in park, retrieved my driver’s license and the registration, and waited. Soon, the law enforcement officer reappeared and pulled his cruiser in behind my car. I had already lowered my driver’s window as he approached.

He dispensed with the pleasantries: “Whose car is this?” I’m sure that I sighed and shook my head ever so slightly. I then said, “It’s mine.” I stretched out my arm and said, “And here are my license and registration.” He left me hanging. He asked, “What’s the make and model?” A lump formed in my throat, and I hesitated momentarily while trying to process what was happening. Then, even though I didn’t want to, I described my car to him. Since my arm was still resting on the windowsill, I again said, “Here are my license and registration.” This time he took them and returned to his cruiser. He issued a ticket and told me to have a good day.

At the time of that stop, I was on my way to a case management conference in federal court. I was wearing a starched white shirt, dark suit pants, and a silk tie. My suit coat was in plain view in the back seat of the car. So, too, was a case file. And, sitting atop the file was a copy of the federal rules of civil procedure. When I responded to the patrolman's questions, I did so through very recent and relatively expensive dental work.

Upon arriving at the conference, I told counsel opposite, who is white, about the stop. He was incredulous. He told me that he was certain that if he had been stopped and was wearing jeans and a T-shirt, he would not have been asked those questions. So, I was not delusional, and my feelings weren't misplaced. Despite the indicators that I was employed as a lawyer (or perhaps a judge), the patrolman, who was also employed in the legal system and had surely interacted with lawyers, only saw a person of color. For him, that fact was enough to ignore objective indicia related to my profession and, instead, caused him to default to a negative assessment.

I won't recount all the thoughts and emotions I have had about that incident. But it was clearer to me than ever before that what might be acceptable for white lawyers to do, or not do, and still be accorded due recognition and respect as a professional, does not apply to me. Women and lawyers of color face the constant specter of being minimized, as more fully discussed below. I believe that for the diverse lawyer, this situation requires strict adherence to professionalism in every meaning of the word. While it may not seem like much, I resist casual Friday. And for law firms, every effort must be made to promote a welcoming environment of opportunity and inclusivity.

This year marks my thirtieth year in the practice of law. My experience includes a judicial clerkship; service as a Marine Corps Judge Advocate; criminal cases as a prosecutor and

defense attorney; civil law practice representing defendants and plaintiffs; working for a small, black-owned firm; being a partner in a small plaintiffs' practice; and, for most of my career, being a partner in a top 150 law firm.

It was twenty-five years ago that another black lawyer and I became the first black lawyers at my firm, which was, at the time, solely based in Mississippi. We were part of the first real push for diversity in large majority practices. Soon, I was the only black lawyer at the firm. I, too, left, but ultimately returned and have been back for more than a decade. The firm now has offices nationwide and internationally. The number of black lawyers is 7% today. I am optimistic about the progress and am determined that we will do much better.

My practice is complex litigation, which is national in scope. This affords me the opportunity to work closely with lawyers of every conceivable background from large majority law firms. Moreover, here at Butler Snow, I have been elected to firm management, held administrative positions, and been involved in the hiring process. These experiences have left me with certain impressions regarding the development of diversity and inclusion initiatives and, in particular, the retention and advancement of black lawyers. The comments below address three issues from among the many that I believe contribute to a law firm environment where diverse lawyers are minimized, and their ultimate departure is inevitable. Additionally, I offer some suggestions regarding steps to retain diverse lawyers and increase the numbers of those admitted to equity ownership.

The Retention Problem

Some law firms presume that diverse attorneys are less skilled, use diverse attorneys for the immutable characteristic of their race or gender only to secure business, and/or do not accord to diverse attorneys the recognition that others typically receive for primary or significant roles.

Diverse Lawyers Do Not Enjoy a Presumption of Competence Like Others Do

The numbers are generally well known. According to the most recent data from the Vault/Minority Corporate Counsel Association Law Firm Diversity Survey, just 2.1% of law firm partners are black and only 1.87% are equity partners. These numbers have been largely consistent over the last decade. The report notes that more people of color are joining law firms, but there is a problem retaining them, especially associates. In fact, the 2018 Vault/MCCA Survey states, “Progress for African-American lawyers has been the most elusive, as their hiring remains below pre-recession levels and they continue to leave their firms at a higher rate than other groups.” The survey reveals that departures of lawyers of color from law firms is at an eleven-year high, exceeding the numbers that existed during the peak of the recession when minorities were more adversely affected by layoffs.

While many of these departures are for reasons other than the effects of bias, it is now largely undisputed that implicit or unconscious bias is a hindrance to the success of lawyers of color. Despite thoughtful diversity initiatives and aggressive recruitment efforts, many lawyers of color find themselves in an environment that does not see them in the same way as it does other lawyers. In particular, much like the patrolman who stopped me on the side of the highway years ago, some of those responsible for evaluating young associates of color only see what they want to see and are unable to see what they don't want to see. This phenomenon is a type of unconscious bias known as confirmation bias.

This particular species of bias has been described as a mental shortcut that makes one actively seek information, interpretation, and memory only to acknowledge that which affirms established beliefs, while missing data that contradicts established beliefs. A recent study, “Written in Black and White: Exploring Confirmation Bias in Racialized Perceptions of Writing

Skills” by lead researcher Dr. Arin N. Reeves, reported that partners were provided an identical research memorandum, in which twenty-two errors of grammar, substance, and analysis were embedded. The partners who were selected to evaluate the paper were told that the author was a male graduate of NYU Law School. Some partners were told that the author of the memorandum was white and other partners were told that the author was black. The result of the research was that significantly more errors were found and ascribed to the black author. Additionally, the overall rating of the paper was far worse for the black author than the white author. Moreover, the comments on the paper were more harshly critical of the black writer. For example, the white writer was described as someone who “has potential” and a “generally good writer but needs to work on ...” The black writer had such comments as “average at best” and “can’t believe he went to NYU.”

The potential effects of confirmation bias are obvious. Ultimately, it morphs into a reputation that is less stellar for the lawyer of color than other lawyers. That flawed assessment of the lawyer of color feeds on itself until it is common knowledge. Everybody knows it. Assignments find their way to other lawyers and fewer meaningful opportunities find their way to the lawyer of color. Even worse, confirmation bias leads to a suggestion of incompetence for lawyers of color and a presumption of competence for others. Evaluations can reflect this objectively inaccurate assessment. Eventually, the handwriting is on the wall and a departure may be the most reasonable response by the lawyer of color.

The Offensive Notion That Any Woman or Lawyer of Color Will Do

It can hardly be disputed that the business community has been pivotal in assisting, if not outright pushing, law firms to embrace diversity and inclusion. That influence is growing. In fact, in January of this year, a letter signed by the general counsels of 170 companies makes it

clear that they will not be inclined to retain firms that do not demonstrate a real commitment to diversity and inclusion. This concept is commonly viewed as the business case for diversity.

Most recognize a need for diversity, but we clearly do not all have the same understanding of what the need is and how to address it. Merely staffing a file to include a diverse attorney to secure business fails to address the need properly. Instead, it amounts to a highly offensive elevation of optics over reality.

Women and lawyers of color are dismayed at having their pictures emblazoned on glossy responses to RFPs or being asked to participate dutifully in pitch meetings, only to be omitted later from any meaningful participation on the file. The only sin worse than not being considered is being used as a token.

This misguided approach to diversity can have effects beyond the law firm environment and the issue of retention. Unbelievably, there is a practice of adding a diverse lawyer to a trial team solely for optics. However, we now have an increase in judges who are women and people of color, and juries are certainly filled with every demographic. It is outrageous, in my view, to assign a diverse lawyer to a trial team when that lawyer's only expected contribution is their immutable characteristic. This transparent act will not go unnoticed by judges nor jurors, and it is clients who may suffer the consequences. Any assignment of lawyers should be substantive and meaningful. There are plenty of talented, diverse, trial lawyers who can add real value to a trial team.

Bluntly, no one wants to be "used" as that term is understood in the negative sense. The notion that "any woman or lawyer of color will do" demeans us as professionals. Yet, it remains all too common and is a factor in lawyers leaving firms.

Relegated to Last and Least

There is a particularly disturbing practice that women and lawyers of color take note of that I am convinced some others have never noticed. It is a practice that not only those with whom we practice engage, but clients, business prospects, and others also do it. It is the practice of routinely putting women or lawyers of color last, no matter their seniority or status in the firm or responsibility on a file. This slight includes everything from email chains to in-person introductions.

I recall being at a professional meeting and standing with a group of six or seven colleagues from various firms. All of us worked on a particular mass tort together. I was the only lawyer of color in the group and clearly the oldest. Another lawyer who knew some, but not all, of the others walked up and engaged in small talk. Introductions were made, and hands were shaken. He had been involved with some of the early proceedings in the matter and sought an update. When he finally got to me, he asked, “What do you do? Are you on the discovery team?” I replied, “No. I’m national lead trial counsel.” He said, “Oh, you’re Rod Richmond. Pleased to meet you. I’ve been reading your work.” Of course, that was the second time we had been introduced in a matter of minutes. Even though he was familiar with my name and my role, upon seeing me, he had assigned a different responsibility to me in his mind.

Repeatedly, inside firms or outside firms, women and lawyers of color are routinely introduced or approached last. On numerous occasions and in different settings over my career, someone initiates a conversation with a white male who is with me, only to be told that I am the person they should talk to or who knows the subject matter. I have seen it happen with others, as well.

While it is likely not intentional, nor even conscious, it is some evidence of the reality that exists in some law firms despite the stated objectives of inclusivity. Every unwarranted instance of relegating someone to last or least and every time it seems as if a woman or lawyer of color is virtually an afterthought serves as yet another suggestion that we are viewed differently. It is another weighty straw that can push a diverse lawyer in the direction of other employment.

Some Potential Solutions to Retain Diverse Lawyers

My experience here at Butler Snow and the success stories of women and other lawyers of color around the country (to include in-house counsel) make clear that there are effective approaches that can and should be employed to combat bias and retain diverse lawyers. What follows are some potential steps that law firms should take.

Firm Leadership Must Be Fully Committed

The importance of diversity and inclusion must be a priority at every level of firm leadership. The unequivocal message to the firm and every partner and employee of the firm must be in terms of a demand. Moreover, one aspect of the evaluation of firm leadership should be their commitment to and progress regarding diversity and inclusion. What gets measured gets done.

Diversity and Inclusion Committee or Officer

Achieving greater diversity and inclusion has to be intentional and focused. Perhaps the best way to do so is by having a dedicated committee or person who will stay abreast of the latest developments regarding diversity and inclusion and the specific issues in the firm. This committee or person should report directly to firm management.

Mentors and Sponsors

Navigating the law firm environment can be difficult for any lawyer, especially new associates. The journey may be complicated by cultural differences that inhibit the kind of easy interaction that leads to developing good working relationships. The lawyers of color may not attend the same churches as other lawyers. They may not be members of the same fraternal organizations or social clubs. As a result, assign mentors whose mission is to get to know the diverse lawyer and help young lawyers with navigating the system. Mentors help groom the lawyer professionally and help integrate the diverse lawyer into the firm culture. On the other hand, a sponsor is a person of influence within the firm who speaks to issues on another lawyer's behalf. There is a need for onboarding regimens that include sponsors who serve as advocates for the young lawyer or diverse lawyer.

Appointment to Administrative and Practice Responsibilities

At many firms, firm involvement is one of the metrics for advancement. Firm management must pay careful attention to the appointment of diverse lawyers to administrative duties and other positions within the firm to provide an opportunity to meet this important metric. For those roles that are elected, consideration should be given to an alternative appointment process, if necessary, that is designed to make sure there is participation in firm governance by diverse lawyers. It is important that younger, diverse lawyers have someone who is like them in key leadership roles to inspire and encourage them. So, there should be diversity at all levels and positions of responsibility in the firm.

Clients Should Go Beyond the Head Count

Clients should request hard data related to inclusion. Clients should assure themselves that diverse lawyers are billing meaningful hours on their files and are getting an opportunity for client contact as soon as is practical, given the complexity of the matter. Moreover, there should be a clear pattern that work is being transitioned to diverse lawyers as well as to other lawyers. Clients should also make crystal clear that the woeful and static percentage of diverse attorneys in the partnership ranks is unacceptable. Clients should inquire about a law firm's initiatives or efforts that are designed to make sure that the path to ownership for women or lawyers of color is not made more difficult as a result of bias.

Compensation Must Be Constantly Evaluated

A fair system of compensation that is clearly understood and that provides for progression for all is an absolute must.

Conclusion

A white law partner, who I also consider a friend, once attributed my success to being able to “move easily between both worlds.” While I suppose he meant it as a compliment, the notion that there are characteristics and behaviors that are specific to whites and absent in blacks (or present in men and absent in women), and that lend themselves to success, is just wrong. That idea is no different than that highway patrolman making a negative assessment of me because of my color.

This legal community of ours must be large enough to accommodate and embrace our wonderful diversity. By doing so, our clients are provided meaningful perspective on their legal issues. Those with whom we practice enjoy collaboration and a more positive business

relationship. And, like all other lawyers, women and lawyers of color can rely on being evaluated on their skill, ability, and potential. This is an issue that goes far beyond the business case for diversity. It is the right thing to do.