

Use Your Privilege

By **Ebony S. Morris**



Since President-Elect Joe Biden's election, he has promised to select nominees who reflect the image of the United States. Although the selection process is not complete, his cabinet thus far consists of history-making nominees.

Other than Vice President-Elect Kamala Harris, his cabinet consists of the following:

1. Retired Army Gen. Lloyd Austin, who, if confirmed, will serve as the first African American United States Secretary of Defense;
2. U.S. Representative Marcia Fudge, who, if confirmed, will serve as the first African American woman Secretary of Housing and Urban Development;
3. Alejandro Mayorkas, who, if confirmed, will serve as the first Latino Secretary of the Department of Homeland Security;
4. Avril Haines, who, if confirmed, will serve as the first woman Director of National Intelligence;
5. Neera Tanden, who if confirmed, will serve as the first woman of color to serve as the Director of the Office of Management and Budget; and
6. Pete Buttigieg, who, if confirmed, will serve as the first openly LGBTQ+ Cabinet member as the Secretary of Transportation.

Although his nominations for Cabinet are not complete, he is holding true to a promise made during his campaign—a promise to use his privilege as a bridge to make history. Majority law firms can take a hint from President-Elect Biden's efforts.

The legal profession continues to be one of the least diverse in the nation. According to published statistics from the U.S. Bureau of Labor, more than 86 percent of American lawyers are white, and fewer than six percent identify as Black, Asian, or Latino, respectively. Over one-third of lawyers are women, and African American attorneys make up three percent of associates at major law firms and less than two percent of law firm partners. Women attorneys make up only one-fifth of law firm partners, and only seventeen percent of equity law firm partners. In 2020, these percentages should be higher, but why are the numbers so dismal? The answer is simple. Majority firms are failing to use their privilege, not only to recruit minority attorneys, but also to retain and promote those attorneys.

Several majority law firms have created diversity initiatives within their firms. However, most of the initiatives are unsuccessful in retaining minority attorneys, primarily because the programs are only focused on recruitment of minority attorneys, as opposed to retention of those attorneys. Majority law firms must change the goal of their diversity initiatives to focus on retention of minority attorneys. In changing the focus, firms must realize that retention of minority attorneys requires firms to change their cultures and work environments.

To retain minority attorneys, firms should focus on being inclusive, as well as diverse. Firms can do so by 1) offering constructive feedback; 2) providing minority attorneys with autonomy, empowering decision-making by associates; 3) encouraging client contact; 4) supporting minority attorneys in their professional endeavors outside of the firm, such as participation in professional organizations, speaking engagements, publication opportunities, etc.; and 5) including minority attorneys in firm marketing and business development opportunities with potential clients. Inclusive practices will foster innovation and encourage a broad range of viewpoints and opinions from minority attorneys. Inclusive firm leadership is useful in retaining minority attorneys and sets the standard for creating an environment that fosters minority attorneys' growth and promotion within the firm. Similar to President-Elect Biden, majority law firms must "use their privilege" and be intentional in their diversity and inclusion efforts. These efforts involve more than checking a box. Diversity and inclusion must remain a priority within the legal profession, and law firms must quickly take notice and implement ways to move the needle forward.

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