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10 Ways to Keep Your Diversity Efforts Going Strong in a Weak Economy

Vernā Myers

From the moment it was clear that this is no ordinary economic downturn, my clients started wringing their hands. Everywhere I went, diversity directors and attorneys of color were sadly predicting the “death of diversity” and other initiatives to improve how law firms develop and nurture their attorneys.

The worry is this: If the economy is hurting, firms are hurting. In hard times, firms focus on business only: serving clients and making money. Diversity initiatives are seen as nice but not necessary -- and are therefore the first to go when things get bad.

I understand how firms come to think this way, but I believe it is incredibly shortsighted. The truth is that diversity and inclusion initiatives are not ancillary but absolutely crucial to sustaining the quality of any firm’s most precious asset: its employees.

After almost 20 years in this business, it has never been clearer to me that diversity and inclusion are here to stay and are increasingly critical to an organization’s success – and not just for those firms that have expanded to new regions of the country and the world. A growing number of firms are recognizing that making diversity and inclusion work actually makes them better at the core work of problem-solving for their clients.

It’s not surprising. In his recent book, *The Difference*, University of Michigan professor Scott Page demonstrates, using a formal, mathematical framework, that a group of people who have different skills and perspectives find better solutions to problems

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and make more accurate predictions than a group with homogeneous skills and perspectives -- even if the members of the second group score higher on individual ability tests. What's more -- as clients find themselves with more diverse staffs, customers, and businesses -- they are demanding that their law firms improve their own staff diversity and develop greater sensibilities around human differences so they can be more effective advocates.

And all of these developments are magnified by one historic fact: Barack Obama is now President of the United States. The campaign itself invited dialogue about difference. Although many Americans, including the press, were ill-prepared to work through the inherent issues of race, religion, gender, and class, many found ways to talk seriously about these highly-charged questions in ways they never had before. And the revolution in thinking is far from over. New issues, insights, and conversations are bound to emerge as Americans, many for the first time, get used to the idea of having a black man as their leader.

More broadly, this election revealed a whole new network of people gaining access to

power; I was amazed at how many men and women of color were leading players in the Democratic party and counted among Obama's close advisors. We also saw a new generation of voters flex their muscles in this historic election -- and their values and perspectives are also emerging in law firms. These young people are the future: future attorneys, future partners, and future clients as well.

In this context, no firm can afford to make diversity a budget victim -- because no firm can afford to wake up, when the market comes back, looking and thinking the way it did 20 years ago. A culture of inclusion is precious but perishable. Here are ten practical steps smart firms can take to keep diversity efforts flourishing, even in an economic drought:

1. **COMMUNICATE.** John Kotter, author of *Leading Change* and one of the most respected authorities on organizational change, puts it this way: When you are trying to change the culture of an organization, you can never over-communicate.

At many firms, a small group of really dedicated people work hard to foster diversity and inclusion. They sponsor activities, attend conferences, and address issues of concern to associates of all backgrounds. But what they often don't do as successfully is communicate to "the masses" within the firm what they are doing and why. In addition, even leading partners are often not conversant with the firm's vision of diversity and inclusion. As Kotter argues, if leaders can't explain their organization's vision for change in five minutes, the vision is too vague or too complicated and therefore unlikely to be realized.

When there's lots of money around, firms may publish flashy brochures to communicate their commitment to diversity. A down economy is a perfect time for the good old-fashioned low-cost

alternative of actual human conversation. Firm leaders and diversity committee members can turn regularly scheduled department, partner, and associate meetings into venues for talking about the firm's diversity and inclusion vision, its successes, and areas that still need work.

The fact that things are not as busy can also mean more time for one-on-one conversations and mentoring with practice group leaders, department leaders, office heads, associate committees, recruitment personnel, marketing directors, and attorneys and staff at every level. This can also be a very productive time to engage in the hard conversations about any unresolved inclusion issues for individuals, work groups, or the firm as whole.

How do people get comfortable talking about difficult issues? By engaging more regularly in just such conversations, in a safe, low-stakes, non-crisis environment, in furtherance of a well-articulated goal and vision.

2. **CONNECT.** Even firms that have well-established diversity and inclusion initiatives often fail to take the crucial step of regularly connecting the dots between diversity and inclusion and the firm's reputation, financial success, relevance, and longevity. For diversity and inclusion efforts to succeed, people in the organization have to see how all the work and time invested are connected to their well-being or to the competitive advantage of the firm. If people think of diversity and inclusion as merely the "right thing to do" or as an act of altruism, these efforts are the first items on the chopping block when times get hard.

To change the mindset, firm leaders need to make explicit the connection between a culture of inclusion and competitive advantage for the firm. They need to explain out loud and in many different

settings – not just at "diversity" meetings – how diversity and inclusion can enhance service to clients by generating new and innovative solutions, attracting talented staff, stemming unwanted attrition, infusing the workplace with energy and positive morale, and helping the firm adapt more quickly to new trends, needs, and perspectives. When a leader can say "We won this beauty contest, we brought in this successful lateral, we won this case, we kept this brilliant attorney, we won this award, we solved this issue *because of what we have learned and done as a part of our diversity initiative,*" more people will feel invested in the initiative's success.

3. **CONCENTRATE.** All too many diversity and inclusion efforts are what I call "cocktail party diversity." All the effort centers on events: fairs, receptions, speakers, retreats, etc.

The harder, more valuable work of diversity, however, is concentrating on the systems, structures, and processes (formal and informal) that reinforce cultural norms – transforming the way things are done on a day-to-day basis. Unless firms focus on those areas, all the receptions in the world are not going to grow diversity.

The good news is that concentrating on assessing and improving professional and career development structures doesn't need to cost very much. Some firms clarify benchmarks for associates or go more deeply and articulate competencies (not just substantive skills) needed to excel in different stages in an associate or partner's career.

It is a great time to examine and improve your evaluation processes, too. One firm might use electronic surveys to poll mentors and mentees about their experiences, so it can strengthen its mentoring programs; another might use this time for in-depth studies about who

is most successful in the firm and what attributes they possess, so these findings can become part of the hiring and evaluation process.

4. **COALITIONS.** One way to motivate and sustain those working on diversity and inclusion is to expand the number of people supporting the vision. So many diversity and professional development people burn out in frustration because the firm expects that they will somehow singlehandedly do all the work of transforming the culture. Worse yet, the burden often falls to the few racial minorities and the GLBT and women attorneys in the firm.

If large retreats and training programs are now off the table for cost, diversity committees and affinity groups can focus on building their coalitions, expanding the number of people working actively to accomplish the firm's diversity goals. They can find creative ways to reach out to those who rarely get asked to help on these issues -- white straight males, staff who are not lawyers, partners not in the leadership -- and who often feel excluded and even resentful of the firm's diversity focus.

A firm might decide to reach out to law school administrators, affinity groups in law schools, and community organizations. It costs very little to invite law school directors or deans, MCCA personnel, bar presidents, or executive directors of a diversity-related organization into the firm to talk about how to build a culture of inclusion and how to create stronger coalitions. Affinity groups can also help the firm save money by looking closely at the outside events and groups that the firm has been supporting and whittling the list to include only activities of organizations with which the firm can have a meaningful and symbiotic relationship.

Firms seeking to increase business in new regions may also find it useful to

strengthen and better integrate diversity efforts in offices outside the U.S. and in smaller U. S. offices -- especially when those offices often have a lone racial minority or LGBT attorney or very few women partners.

5. **CULTIVATE.** The care and feeding of associates and junior partners is pivotal to a firm's success. Yet it is the very thing that firms struggle with the most; and, when it comes to supporting the success of attorneys of color and women, the struggle seems to intensify. When there is less work to go around, the problem is compounded further still. Partners may start hoarding work or sharing it with a smaller group of attorneys.

The dynamic is painfully common: Although there may be several attorneys capable of doing well with an assignment, partners feeling the economic pinch may tend to choose the associates with whom they feel the most confident and comfortable. In such situations, "difference" of any kind can become a significant unconscious barrier.

What follows is a query about why "So and so's" hours are so low and the "conclusion" that there must be a performance problem. (The truth is that it is often a *preference* problem, not a performance problem.) Before too long, "So and so" actually isn't as good because he or she has been denied the work challenges it takes to grow and rise.

If firms are going to emerge from this crisis having at least maintained their current diversity, they must seize this opportunity to look carefully at how women and people of color are doing.

Unfortunately or fortunately, most firms have so few people of color that it is absolutely possible to assess how each individual is progressing, to find ways to support his or her continued development, and thereby to send a message

about the firm's enthusiasm and commitment. Make sure that these individuals have opportunities for meaningful assignments, access to clients, and regular feedback.

With increasing numbers of women in the junior classes, you might not be able to provide this kind of one-on-one focus for every female attorney. You may want to focus instead on more senior women, women in certain departments where advancement has proven difficult, and/or the group of women working alternative work schedules.

6. **CONSULT.** Your firm may not have the budget to conduct the firm-wide awareness workshop series facilitated by outside consultants that you were planning, but that doesn't mean you can't find less expensive ways to gain value from your consulting team. Really good consultants advise their clients on how to make their diversity efforts more effective.

Sometimes a one-day check-up or a conversation a few hours a month with a consultant can revive a struggling mentor program; diffuse a conflict that has been unattended for months; avoid pitfalls; infuse a diversity committee with the focus, energy, and skills to take the firm's efforts to the next level; and point the firm to resources that can help (videos, articles, exercises).

Consultants can also do focused workshops with specific individuals, groups, or offices that need immediate attention and wait until there is more money in the budget to roll the program out to the rest of the office or firm. Also, firms can make use of webcast, video-conferences, and on-line trainings with their outside consultants.

7. **COACH.** Lots of corporations use coaching in ways that law firms have only started to think about.

Coaching usually happens one-on-one or in small groups. The coach's role is to assess an individual's strengths and challenges, increase that person's self-awareness, and create a plan for gaining the skills, opportunities, and resources to make a successful change. Highly skilled mentors may do many of these things, but most law firm mentors aren't able to because they simply are not trained as coaches, do not have time to give the attention required, and may not have the "big picture" perspective to direct the individual well.

With so few people of color and senior women in most firms, it is important to push for innovative approaches to make their advancement more likely. A firm might identify valuable, well-regarded associates of color and women to receive coaching -- perhaps those beyond the 5th year, or women with alternative work arrangements, or those in particular departments or offices. In addition, coaching for certain majority attorneys can help them appreciate the impact of their behavior and work and communication styles on women, attorneys of color, and LGBT attorneys and increase their ability to build more inclusive and respectful work environments for everyone.

Coaching is usually limited to a fixed number of sessions, but they may be usefully divided among several attorneys. Coaching does usually require paying an outside consultant or hiring in-house coaches, but this intervention is much cheaper than losing really talented individuals the firm has spent lots of time and money to recruit and train.

8. **CLIENTS.** Most firms know that clients care about diversity, but their approach to satisfying client demand in this area is reactive -- addressing it only when the client asks the question. When there is a RFP, a report card, or a pitch, firms will happily talk about their diversity efforts,

but they rarely take a proactive approach to working with clients on this issue.

It costs nothing to actively introduce clients to the talented attorneys of color, women attorneys, and LGBT attorneys who are available to work with them. A downturn can also be a great time to identify your clients who are signed on the “Call to Action” diversity pledge and begin reaching out to and meeting with them. While you talk about your own diversity efforts, be sure to ask about creative strategies that may be working for them.

9. **COORDINATE.** Many, many diversity efforts suffer – and even fail – because they are not coordinated with a firm’s other professional development efforts such as feedback and evaluation initiatives, mentoring, competencies work, and leadership development. At the same time, even fewer firms actually integrate diversity and inclusion into their important business systems, such as compensation, work allocation, partner promotion, etc.

A low-cost but tremendously effective intervention is for those in charge of recruitment, professional development, partnership promotion, associates committee, pro bono work, and so on, to start working on ways to coordinate these systems. The potential savings in time, energy, and expense can be significant, not to mention the pleasure of knowing that the firm is not working at cross-purposes with itself.

For example, when firms have trainings on leadership, mentoring, and feedback, they can make sure to explore the impact and value of difference on all these subjects.

10. **COUNT.** When we do diversity assessments for law firms, we usually ask for a number of statistics in areas like hiring, retention, partner promotions, and

client diversity requests. Some firms are right on top of every number, but others appear to be undone by our requests, especially when it comes to a true attrition analysis.

Similarly, when we work with diversity committees on strategic action plans, we often ask for data on the current state of things: *You want to improve the number of senior women through lateral hiring; what percentage of your lateral hires have been women in the last five years? Your assessment reveals that attorneys of color feel they don’t have access to real opportunities because they are included on RFPs to satisfy client requests but are not staffed on actual assignments; do you have a way to track what happens once deals are won? Does anyone know the retention rates of attorneys of color vs. white attorneys? And so on.*

It takes no money from the diversity budget to start counting and to begin to pull out information like this to get a clearer view of your current reality and to track the effectiveness of your diversity initiative. Diversity and Marketing Directors can use this as a moment to evaluate the number and extent of client diversity requests and the results of client pitches and outreach efforts.

All this information can help those working on diversity tell whether or not what they are doing is working. It is also imperative for making the business case for diversity.

A financial crisis makes us all feel like hunkering down. It may require scaling back plans for growth and may demand some delay. But no crisis should have the power to cause any of us – as firms or individuals -- to lose our bearings and give up on our core values: the beliefs and practices that guide, sustain, and distinguish us and make our work worth doing.

Diversity is a component of the values of excellence, fairness, and teamwork that most firms articulate; therefore, despite the current economic strain, diversity has to become more embedded in the way firms proceed, not less.

Firms who give up on diversity now will, when the economy returns, lose their good people promptly and won't be able to attract the talented people looking for a new home. They will miss opportunities for business because they lack the diversity of thought and skill to best represent clients. And they will have missed a transformative opportunity to become comfortable and conversant with the deeper and more difficult issues of race, gender, class, sexual orientation, and generation that the country – and clients -- will be working through for many years to come.

Most important, as a profession, we cannot afford to fall further behind than we already are in capitalizing on the value of diversity and inclusion.



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