



# Don't Hit the Panic Button:

## Meeting Your Client's Diversity and Inclusion Initiatives



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Diversity in our profession has long been “talked” about. Take for instance the “Diversity in the Workplace: A Statement of Principle” that was signed by more than 500 general counsels at major companies 20 years ago. The Statement of Principle, led by Charles Morgan, then-BellSouth Corp. General Counsel, stated: “In making our respective decisions concerning selection of outside counsel, we will give significant weight to a firm’s commitment and progress in this area.”

This was followed up with the 2004 call to action that Roderick “Rick” Palmore developed during his tenure as General Counsel of Sara Lee Corporation. It stated, in part, that general counsel “will make decisions regarding which law firms represent our companies based in significant part on the diversity performance of the firms.”

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While both of these were mighty efforts for an industry that has difficulty adapting to change, the fact remains that 15 years after that call to action, we are still lagging behind and struggling to make diversity and inclusion top priorities.

This is not to say that there has been *no* progress or that law firms have not embraced diversity and inclusion at all. However, we still hear cringe-worthy incidents all the time that remind us just how far we still have to go.

Take for example when mega-firm Paul, Weiss shared a photo of its class of newly promoted partners earlier this year. It's said a picture is worth a thousand words, and when their photo was released — showing 11 white male faces out of a class of 12 partners — the announcement drew vast and fierce criticism. Shortly after, more than 170 general counsels and corporate legal officers signed an open letter to Big Law firms stating that their companies will prioritize legal spend with firms that commit to diversity and inclusion.

The letter reads, in part, "We, as a group, will direct our substantial outside counsel spend to those law firms that manifest results with respect to diversity and inclusion, in addition to providing the highest degree of quality representation. We sincerely hope that you and your firm will be among those that demonstrate this commitment." While the message from clients is not new, law firms need to realize that clients are no longer just talking about diversity — they are putting their money where their mouth is.

Since 2010, corporations participating in the National Association of Minority and Women Owned Law Firms' (NAMWOLF) Inclusion Initiative have spent \$1 billion-plus on minority- and women-owned law firms and their total annual expenditures averaged over \$200 million per year for the last six years. Additionally, according to a July 2017 study by DiversityLab, as of 2017, Facebook requires its outside counsel to be comprised of at least 33% women and ethnic minorities as well as provide evidence that the law firm is

creating "clear and measurable leadership opportunities for women and minorities."

The study also stated that HP now withholds up to 10% of bills from law firms that do not meet or exceed its diverse staffing requirements. As evidenced from these findings, clients' tolerance level for firms failing to comply with diversity and inclusion requirements is almost zero.

Before your firm hits the panic button, consider these action items if your firm finds itself in the predicament of potentially losing longstanding clients due to a lack of diversity and inclusion. (Remember you need *both* — diversity without inclusion is simply a useless numbers game.) These three tips will not solve all diversity and inclusion needs, but they are a place to start.

**1 CONDUCT DIVERSITY AND INCLUSION TRAINING.** Consider conducting diversity and inclusion training for your entire firm — not just the lawyers. While some firms have a dedicated diversity and inclusion professional in-house, strongly consider bringing in an outside consultant to conduct training. Diversity and inclusion conversations can be uncomfortable, so it is beneficial to have someone who is not intimately familiar with your firm and its culture.

If cost is a factor, ALA's Committee on Diversity and Inclusion provides training to both chapters *and* law firms. This benefit is offered at little to no cost to your firm aside from speaker travel expenses. (See sidebar on how the committee can help, page 12.)

**2 CREATE A DIVERSITY AND INCLUSION STATEMENT.** Similar to a mission statement, write down goals and aspirations for diversity in your firm with input from your management or executive committee. The statement should be what you are striving for and hoping to maintain in years to come. However, like all effective written policies, a diversity and inclusion statement cannot



## ALA's Committee on Diversity and Inclusion Is Here to Help

ALA's Committee on Diversity and Inclusion continues its commitment as serving as your go-to resource for all things diversity- and inclusion-related. Our team is available to present programming to your chapters and law firms either in person or via videoconference.

The committee is currently revitalizing the ALA Diversity and Inclusion Chapter Scorecard, which we plan to reveal by the end of 2019. Chapter presidents should be on the lookout for an email from the committee detailing how we can best serve your chapters.

**QUESTIONS?**

Just contact us at [diversity@alanet.org](mailto:diversity@alanet.org). And don't forget to follow us on Twitter: @ALADiversity.

just be words on paper — it must be backed up with action. Without commitment and dedication to change — especially from firm leadership, including the managing partner — the statement simply becomes another policy that is written but not enforced.

### 3 REVAMP YOUR HIRING AND PROMOTION POLICIES.


It's always a good idea to take a second — and third — look at your hiring practices and internal policies when it comes to diversity and inclusion in your firm. Where are you recruiting for staff and attorneys, and does it include places that have a diverse population? Does your firm have an anti-nepotism policy in place to prevent deserving individuals from being passed over for hiring or promotion? Your firm should review all policies to ensure that they do not undermine the efforts and accomplishments of every individual regardless of their race, gender or disability, to name a few classes. Also, make sure that every deserving individual is given a chance to succeed and have a seat at the table. As I mentioned before, diversity without inclusion doesn't do anybody and any good, and it's not worth your time or effort.

Taking these steps will help lay the groundwork for creating a more diverse and inclusive environment that will enrich and engage not only your clients but your employees as well. Crisis averted! ■

#### ABOUT THE AUTHOR

**Jessica L. Mazzeo** is Chief Operating Officer of Griesing Law, LLC, where she focuses on overseeing and implementing all of the firm's business operations, while establishing policies that promote and retain the firm's culture and strategic vision. In addition to her role at the firm, she provides training for law firms and companies on diversity and inclusion best practices. Mazzeo is Vice Chair of ALA's Committee on Diversity and Inclusion. She is also a volunteer for the National Association of Minority and Women Owned Law Firms and the Women's Business Enterprise Council of PA-DE-sNJ.

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