

Diversity in the Profession

John Warren May

This issue of *TortSource* addresses issues pertaining to diversity, specifically within law firms and in the place of employment. Peggy Nagae highlights a developing trend in the legal industry—that of private clients mandating that the law firms providing their legal services also provide a diversified legal team. She suggests essential practices that law firm leaders must employ to advance diversity including implementing strategic action plans, championing diversity within the firm, coordinating diversity programs between departments, holding employees accountable, and leading by example.

Deborah Kuchler exposes the disadvantages that many small and mid-sized law firms face in recruiting and retaining minorities. Kuchler recommends marketing, recruiting, and internal office techniques that small to mid-sized firms can employ to compete with large firms for top minority recruits.



Responding to the Call to Action Best Diversity Leadership Practices

Peggy A. Nagae

In 1993, minorities comprised 2.55 percent of partners in major law firms nationwide; 10 years later, it had risen by only 1 percent. Today, it stands at 5 percent. The rise to partnership has been too slow for some of the nation's most prestigious clients. Thus, in 2004 Roderick Palmore, chief legal counsel at Sara Lee, issued a "Call to Action" to further motivate law firms to increase their diversity. It urged general counsel to give more work to firms that have created a diversified workforce and to reduce or eliminate the work given to those that have not. See http://mcca.com/site/data/magazine/diversity_magazine/.

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Michael Daugherty presents a personal account of employment obstacles he faced as an openly gay man. He discusses federal and state laws, both statutory and judicial, that either fail to protect gay workers or, in limited circumstances, provide some basis for protection against discrimination based solely on sexual orientation. Daugherty concludes with a summary of selected private sector responses to such legislative and judicial actions and applauds corporations that are leading the way in adopting broad ranged anti-discrimination policies.

In other articles, Joshua Lee introduces the new TIPS Leadership Academy, Hervey Levin reports on the opening months of the 110th Congress, and Laura Walvoord explores the ethics of metadata. Raymund King shares his personal story that combines medicine and law, Sharon Ferguson provides highlights of TIPS activities at the ABA Midyear Meeting in Miami, and finally, Cindy Nguyen paints a colorful picture of San Francisco as TIPS prepares to return to the City by the Bay for the 2007 Annual Meeting in August. ♦

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Overcoming Small and Mid-Size Firm Diversity Challenges

Deborah D. Kuchler

Small and mid-size law firms face significant obstacles in competing with larger firms for minority recruitment. Larger firms typically possess greater name recognition, are generally considered well established, and frequently offer heftier paychecks, so that they possess an instant allure for new practitioners. In addition, larger firms are more likely to have the money and manpower to launch full-scale recruitment efforts to identify and woo minority applicants before smaller firms have had an opportunity to familiarize potential recruits with their own virtues. However, by appropriately directing resources, smaller firms can increase their exposure and succeed in marketing themselves to a more diverse pool of lawyers.

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Overcoming Small and Mid-Size Firm Diversity Challenges

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Exposure Is the Key

Smaller law firms typically do not have the budget to brand themselves via public relations campaigns by blitzing legal publications. Instead, small firms must focus their marketing dollars and energy on efforts that will provide a real return on their investment. They need to promote a greater awareness of diversity through involvement in a variety of workplace and community outreach activities.

One resource small firms may use to stand out successfully is the “signature event,” a seminar or other sponsored public event that places small firms in front of the audiences they wish to reach. Working with local law schools’ career development offices to sponsor a diversity conference or a “meet and greet” for minority students helps a small to mid-size firm stay in tune with the local job market. Hosting a women and minority business leaders’ symposium to which minority law students are invited is another good way to reach out to influential audiences who value diversity. Promoting a signature event and attracting attention for that event can make a big difference for small firms.

Working with community mentoring programs, such as DuPont’s Pipeline Project, also increases community awareness and fosters relationships with the target groups.

Small and mid-size firms can develop relationships with key organizations representing people of color, women, and persons with disabilities, either locally or across the country, including business and trade associations geared toward those groups. By encouraging the firm’s attorneys to participate in organizations such as the National Bar Association, the Hispanic Bar Association, and the National Asian Pacific American Bar Association, firms can increase networking and career development opportunities. This builds a greater sense of belonging and achievement, and in the long run, a higher level of career satisfaction.

Go Straight to the Source

For greater exposure to new recruits, a small to mid-size firm should make the local law schools aware of its commitment to diversity and seek their assistance in identifying law students for interviews. The firm would benefit from annual participation in regional and local minority law student job fairs and other minority recruiting events. Of course, the firm should actively seek to increase recruitment of minority students, for example, by developing solid recruitment relationships at historically black schools.

Another valuable tool for the small firm is to form close relationships with student organizations. Offering scholarships to minority law students is another way to achieve name recognition and goodwill.

Activate Your Internal Resources

Within a firm, various steps can be taken that will help attract and retain women and minority attorneys.

Most firms are motivated to increase diversity when they understand the solid business aspects of such recruitment. Those trying to excite interest and commitment to diversity in their firms should develop and communicate the business reasons for minority recruitment, including meeting client demand and any other points that mesh with the firm’s size and practice. Once firm management sees that increasing diversity will positively affect the firm’s bottom line, support is more easily obtained.

Many diversity initiatives fail due to a lack of commitment at the top. So, a firm is more likely to succeed in its initiatives if a senior attorney is involved in the diversity effort.

A firm that already has senior minority and women attorneys on board is much more attractive to recruits, who can identify with their success. The presence of a variety of established attorneys also helps minimize attrition. Firms should hire applicants with an eye toward longevity and promotion. This is true not only because of the financial toll of heavy turnover but also because the emotional toll of attrition on both staff and attorneys is significant.

Having a firm Web page is another great form of exposure. A small firm may well benefit from inspecting some of the larger firms’ Web sites. Many make it

clear how attractive minority applicants are to the firm’s goals and document the progress they have already made in this direction by outlining policies and practices, and even including testimonials.

A firm should also revisit hiring criteria to ensure that they reflect the firm’s current goals and that the firm members and promotional efforts mirror the firm’s goals and criteria. Training recruiters to understand the issues that are important to women and minorities and to interact with diverse students are other important ways to maximize the firm’s hiring efforts.

Extend Your Commitment to Retention

Of course, no firm wants to overemphasize recruitment at the expense of retention, and thus fail to reap the long-term benefits of its efforts.

Firm culture must reflect the values that diversity embraces. It is not enough for the firm to express a wish to increase diversity if the firm culture implicitly or explicitly values sameness. To this end, the firm should consider establishing a defined set of values and goals that include cultural awareness and appreciation. Remember, too, that diversity includes more than having women and minorities. It also means accepting different religions, sexual orientations, classes, and age groups.

Small and mid-size firms could benefit from recognizing that attorneys who are fulfilled at home are likely to be more productive at work. A firm that promotes work-life balance in recruiting and retaining attorneys who are committed to both their practices and their families will probably have a happier workforce. Options include establishing flexible hours and allowing a portion of time to be spent telecommuting. Part-time partners are important role models to encourage women—and men—who wish to be successful lawyers while still having time to nurture a family.

Most important, a firm should develop a true sense of camaraderie among its lawyers and staff. All the initiatives in the world will not result in a successful diversity program until the firm’s employees value each other as people, recognize the contributions of their diverse coworkers, and enjoy working together. That’s what makes it really work! ♦

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